

REGULATION 18 LOCAL PLAN CONSULTATION CANTERBURY CITY COUNCIL

**REPRESENTATIONS MADE IN RESPECT OF
LAND EAST OF CHESTFIELD ROAD AND 149 CHESTFIELD ROAD,
WHITSTABLE, CT5 3LR
CANTERBURY CITY COUNCIL**

**ON BEHALF OF RUBIX ESTATES LTD AND THE LANDOWNERS (LAND SHARE
INVESTMENT AND THE TRUSTEES OF THE WHITSTABLE NON-ECCLESIASTICAL
CHARITIES)**



RUBIX ESTATES



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Canterbury City Council

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REPRESENTATIONS TO CANTERBURY CITY COUNCIL LOCAL PLAN 2040 (REGULATION 18)

LAND EAST OF CHESTFIELD ROAD AND 149 CHESTFIELD ROAD, WHITSTABLE

Lee Evans Partnership LLP is instructed by Rubix Estates Ltd. (hereafter, the Promoter) and Land Share Investment and The Whitstable Non-Ecclesiastical Charities (hereafter, the Landowners represented by Strutt & Parker) to submit representations to the Regulation 18 Draft of the Canterbury City Council Local Plan 2040.

The Draft Plan allocates land for new homes, jobs, new schools, a new hospital and community uses as well as outlining policies designed to guide the quality and density of developments, boost biodiversity, protect valued open spaces over the long term and to ensure any new development minimises its contribution to climate change while also mitigating against its effects.

On behalf of the Promoter and Landowners, this response provides commentary on the provisions of the Plan as drafted. It does not provide a detailed comment for all proposed draft policies, though reference is made to those considered most salient to the Promoter and Landowners, namely those relating to the (i) Vision and Objectives, (ii) Housing Delivery and Spatial Strategy, (iii) Policies W4-W6, and (iv) proposed development management policies.

In so doing, it identifies for consideration Land East of Chestfield Road, Whitstable as an available, achievable and deliverable site in the context of meeting district-wide housing need over the plan period in a manner complementary to the aspirations of the plan at nearby site allocations.

A Location Plan and Vision Framework is provided as part of this representation.

On behalf of the Promoter and Landowners, we look forward to engaging the Council in the refinement of the Draft Local Plan over the coming months, and would be happy to discuss the contents of this correspondence should it be of assistance.

CANTERBURY CITY COUNCIL LOCAL PLAN 2040

(i) Vision and Objectives

The Local Plan at this Regulation 18 Draft stage identifies a clear vision for the District in promoting aspirations for residential growth achieved through a range of homes which will meet the needs of the district, improving affordability and supporting growth.

It provides the planning framework to support a strong and resilient economy, improved connectivity, healthy communities and a thriving natural environment. These component parts of the vision are clearly aligned with the purposes of sustainable development, as set out in the National Planning Policy Framework. The Plan

chartered architects and planning consultants

seeks the implementation of this vision over a period up to 2040, with growth focused at the urban cores of Canterbury, Whitstable, Herne Bay and proportionate growth across the villages.

To support the implementation of such, a number of strategic objectives are identified. These include:

- Providing high quality housing for everyone, including affordable housing, as part of mixed, sustainable communities;
- Ensuring housing is of high-quality design, is low carbon and energy and water efficient as part of healthy communities with access to community facilities and open space;
- Creating a thriving economy with a wide range of jobs;
- Supporting the sustainable growth of rural communities through the provision of affordable housing, community facilities and transport infrastructure while taking advantage of opportunities to grow the rural economy;
- Among other related objectives not repeated here.

These strategic objectives are considered at this stage to reflect the intent of the overall vision for the district over the plan period. The targeted delivery of these objectives is supported in broad terms, albeit subject to commentary on related planning policies as drafted. The scope of these objectives is deemed appropriate for the district, reflecting its diverse environments across urban, rural, coastal, and in-land resources, with a rich heritage across the district.

It is noted that the Plan has already – in a previous iteration – been the subject of public consultation throughout 2021 and 2022. The 2022 Regulation 18 consultation resulted in extensive response rates – some 2,000 responses from organisations and 24,000 responses from individuals.

Following a period of review and a political chance at the local-level, this consultation provides an opportunity to respond to a revised Regulation 18 Plan. Key changes to the Plan are summarised as follows:

- the plan period being reduced from 2045 to 2040/41;
- a fall in the number of new homes proposed by a total of 4,149 – from 13,495 to 9,346 over the life of this plan compared to the previous draft plan;
- removal of the proposed new settlement at Cooting Farm near Adisham;
- removal of the proposal for an Eastern Movement Corridor (the Eastern Bypass) in Canterbury;
- removal of the proposed Canterbury Circulation Plan which contained the suggestion that the city should be zoned to remove ‘rat runs’ and force active travel opportunities; and
- removal of the proposed strategic sites to the east of Canterbury which provided land for a part of the Eastern Movement Corridor and funding.

In line with the above, the Plan presents a number of alternative proposals which in broad terms seek to prioritise a new garden settlement north of Canterbury, increased emphasis on climate change and biodiversity, focused policies on brownfield development, and active transport options.

The Promoter recognises the effort of the Local Planning Authority in seeking to address the litany of clarifications, queries and concerns raised throughout previous consultation exercises.

(ii) Housing Delivery and Spatial Strategy

It is agreed that the Plan should be reasonably informed by an established evidence base. In respect of housing delivery and the overall development strategy for the district, the NPPF is clear that plans should provide for future development needs and further sets out the expectation that identified needs for housing, space for jobs and retail space should be planned for, in full, as part of local plans.

It is recognised that the draft Local Plan has been informed directly by an evidence base comprising the Housing Needs Assessment (2021); the Economic Development and Tourism Study (2020, 2022) and the Retail and Leisure Study (2020, 2022), and a litany of additional topic papers and resources including the Strategic Land Availability Assessment (SLAA) which provide an objective analysis of the district’s development needs through to 2040 alongside an audit of available land interests.

The overall ambition of the Plan is supported, specifically with recognition of the aspirational level of growth per annum to meet housing needs as identified in the evidence base. To ensure the flexibility of the plan in its

implementation, identified housing figures should not be viewed as a 'cap' to sustainable development, but rather a minimum target for housing delivery, and that the average 1,149 dwellings per annum be viewed in this context.

The allocation of a number of Sites at various scales across the District is a sound approach in maximising the efficiencies of the Plan in achieving this level of growth in a sustainable manner across the length of the plan period some 20 years into the future. The allocation of sites is therefore fully supported by the Promoter and Landowners as an appropriate mechanism in securing sufficient land resources to maximise the prospects of housing delivery, alongside the delivery of supporting employment growth and infrastructure requirements.

It is recognised that paragraph 1.36 of the Plan as drafted confirms that: "*The majority of the strategic site allocations identified within the Canterbury District Local Plan (2017) now have planning consent and are under development, and these sites will continue to contribute to the district's development land supply, predominantly during the early years of this plan. Development allocations within this Local Plan are therefore in addition to those sites, and are intended to ensure that there is sufficient land available to meet development needs over the full period of the plan to 2040*".

In this regard the allocation of sufficient sites with reasonable prospect of timely delivery is fundamental in ensuring that the vision and objectives of the Plan – including those geared towards meeting identified housing needs – can be fully met.

Policy SS3 deals with the overall development strategy for the District, specifically the strategy for delivering these ambitions and positively prepared housing numbers. The overall approach to sustainable growth at settlements consistent with their range of services and facilities is supported, in line with the settlement hierarchy.

As above, Canterbury, Whitstable, and Herne Bay remain the most sustainable locations for growth in the District, and this is supported.

Whitstable in particular benefits from a role as a secondary focus for development (alongside Herne Bay), where development will be supported in principle on suitable sites within the urban area. The town centres of both settlements will continue to be 'key district centres' and will continue to be a focus for commercial, leisure, and tourism activities in the district. Criterion 3 of draft Policy SS3 confirms that a new Strategic Development Area is to come forward at the edge of Whitstable for housing, employment, and community uses with a new park and ride proposed. Commentary is provided below on the specific nature of this policy instrument, though it is noted here that the overall approach is entirely supported by the Promoter and the Landowner's.

(iii) Policies W3 & W4 - Proposed Strategic Development Area – South Whitstable

Draft Policy W3 identifies the provision and circumstances of growth in and around Whitstable's urban area. Importantly it also seeks to identify the location of a Strategic Development Area to the southern edge of Whitstable. Policy W3 allocates land for the delivery of new homes, employment, infrastructure, and community needs. Specifically, it seeks to deliver a new strategic scale development across three interrelated sites each supported by a dedicated planning policy. Commentary in support of this ambitious level of growth is provided as follows:

Policy W3: the objectives of Policy W3 in delivering an extensive range of outputs to support a new sustainable community are wholly supported, specifically the delivery new homes, a minimum 4000sqm of business space, a new local hub, 31.84ha of accessible open space, new sports and education facilities, and the creation of targeted biodiversity and ecological enhancements across three allocated sites.

The criteria underpinning Policy W3 are considered far-reaching in their scope, and it is agreed that these criteria reasonably reflect the requirements of a new sustainable community, spanning disciplines including residential, commercial, community, environmental, and transport needs.

It is agreed that the greater level of specificity provided in Policies W4, W5, and W6 is appropriate in guiding site-specific aspirations across land at Brooklands Farm, Land South of Thanet Way, and Bodkin Farm.

Policy W4: Brooklands Farm is a large strategic scale development of circa 1400 new dwellings across an area of 79.13 ha, with supporting development comprising of non-residential development to include at least 4000sqm of business space, at least 880sqm of local centre space, and at least 350sqm of local shopping and community space. It will also include for new education opportunities as well as open space.

From the Promoter's perspective, the overall principle of Policy W4 is supported as a constituent part of the Council's overall strategy for delivering sustainable development.

The concept masterplan for Brooklands Farm is sufficiently detailed to guide the future development of the site without placing undue constraint on the masterplan process. It identifies several opportunities for open space, green corridors, improved cycle and pedestrian connectivity and junction improvements, each aligned with the strategic objectives outlined elsewhere. Development parcels are shown throughout the wider site area. The concept masterplan demonstrates a proportionate understanding of the site's potential in contributing to the ambitious growth targets for the district.

It is expected that the concept masterplan will form the basis of onwards site-assessment, though it is noted that technical site assessment may in due course identify additional opportunities to help refine the site's development potential, ensuring its efficiency and deliverability.

Crucial to the Promoter and Landowner's representations, Land East of Chestfield Road, Whitstable is identified here as an available, achievable and deliverable site in direct proximity to Brooklands Farm that can further support the aspirations of the Plan in the delivery of housing growth.

The provisions of Policy W4 do not reflect a specific link to the Site itself, and these representations request greater consideration of the contributions of Land East of Chestfield Road, Whitstable in assisting the Council in realising the potential of Policy W4. Site-specific information is provided later in this response, though as elsewhere we would be happy to meet with officers in further advocating for the inclusion of this Site to best deliver the vision and objectives of the Plan, here through expanded residential provision at Land East of Chestfield Road, Whitstable.

Further detailed commentary on the site-specific criteria for W5 is not provided at this point.

(iv) Proposed Development Management Policies

Several detailed policies are proposed, centred on matters of design, transport, amenity, biodiversity, landscape, and other such disciplines. Whilst detailed commentary is not provided at this stage on the Plan as a whole, it is evident that such policies are necessary to guide development over the plan period. The thrust of such policies in meeting the vision for the District is wholly supported, and the wording of such appears consistent with the objectives of the Plan in responding to local needs over the years up to 2045. Whilst an interim evidence base has been prepared to support the proposed draft wording of such policies at this stage, commentary on such is reserved until the Regulation 19 consultation process.

At the current stage of preparation, it would be premature to consider whether the Draft Plan is legally compliant, is sound, and whether it has met the duty to cooperate. That said, the evidence base as prepared – alongside the reported direction of travel – appears to show positive progress towards planning for sustainable development in the District over the period to 2040, based on an expanding and robust evidence base. We reserve detailed judgement on this until such a time that the Regulation 19 Submission Plan is available for consultation, alongside the Sustainability Appraisal and wider evidence base.

LAND EAST OF CHESTFIELD ROAD, WHITSTABLE

SITE CONTEXT

The Site measures circa 7.33 hectares (18.10 acres) in total with direct road frontage to Chestfield Road on its western edge, providing onwards vehicular connectivity to the wider network of settlements, services and facilities in proximity.

The Site sits closely related to existing residential development due west (along Chestfield Road) and northwards along Little Paddocks and Molehill Road. Several dwellings fall in a northerly direction within the

settlement of Chestfield, within the urban area for Whitstable. It is noted that the boundary for the Whitstable urban area as existing extends partly along the Site's eastern and northern boundaries, reflecting the presence of existing dwellings in these locations.

The Site falls immediately south of Whitstable's defined urban area, and in the emerging Regulation 18 Local Plan is further located immediately opposite the eastern demise of Brooklands Farm, an allocated site for new homes and a range of business, community and environmental infrastructure.

In both its current and emerging spatial planning context, the Site occupies a sustainable location within the district's hierarchy (and one which is reasonably expected to become further sustainable, pending progression of the South Whitstable Strategic Development Area through the examination process). The Site achieves access from Chestfield Road, with onwards connectivity providing a range of facilities and services such as a primary school, GP surgery, and local shops. Again, this range of services would only improve with the delivery of the nearby Strategic Development Area.

The Site is undeveloped in its current configuration, and retains an established boundary line on all sides. In its undeveloped state, the Site is largely laid to pasture, with limited trees and hedgerows confined principally to the existing boundary treatments. An established wood falls beyond the Site's eastern demise, adjoining the Thanet Way,

It is recognised that the Site falls adjacent – on its northern edge – to the designated Chestfield Conservation Area. Despite this, there are no statutorily listed buildings within the immediate setting of the Site.

As with all land outside of the defined urban area in this location – including the sites allocated under Policy W4 for Strategic Development Area – the site is washed over by an Area of High Landscape Value.

The Site falls within Flood Zone 1, an area of low probability flood risk. The Site is not considered to be at risk of surface water flooding, per published environment agency mapping data.

Critically for Canterbury City Council, the Site lies outside the catchment of the Stour Valley River area, meaning that any proposal for development on the Site would not need to demonstrate any mitigation regarding Nutrient Neutrality. Therefore, subject to planning permission being obtained, this Site can deliver within the first five years of the New Local Plan.

The Site falls within the SAMMS Thames, Medway & Swale Estuaries 6 Km Zone of Influence, and the SAMMS Thanet Coast and Sandwich Bay 7.2 Km Zone of Influence. In landscape terms, it falls within the E3: Amery Court Farmland Landscape Character Area.

The Site is otherwise free of onerous planning constraints.

COMMENTARY IN SUPPORT OF THE ALLOCATION OF LAND EAST OF CHESTFIELD ROAD, WHITSTABLE

As noted elsewhere, the Promoter and Landowners lend full support to the proposed allocations set out in Policies W5, W5, and W6, pursuant to the ambition of the proposed Strategic Development Area at South Whitstable under Policy W4.

The land identified at Land East of Chestfield Road, Whitstable is an available, achievable and deliverable resource that is well-placed to further complement the growth of the district's housing land supply in meeting its identified needs.

Its own allocation as part of a refined Regulation 19 Local Plan later in the year could clearly represent an opportunity to further secure the good and proper planning of South Whitstable, incorporating a reasonable level of growth in this location to mirror the provisions of W4, and specifically to complement the targeted growth options of Brooklands Farm directly opposite the Site.

The Site is being pro actively promoted by Rubix Estates who have an interest in the land. Rubix Estates and the Landowners agree as to the promotion of the Site through the local plan process, and in this regard the Site can be viewed as an available option to the Council in further securing its aspirations to delivery sustainable development south of Whitstable.

It is evident that several allocated sites are not deliverable as part of the Local Plan process and therefore at present the Local Plan in its current guide is unsound. These are as follows:

- Site R12 - Adisham, draft allocation for 10 new homes. The landowner has formally confirmed that she does not wish to pursue the development of this land;
- Policy R16 - Land fronting Mayton Lane in Broad Oak. The landowner has formally confirmed that he does not wish to pursue the development of this land. He never submitted the land for consideration and in addition, the land is owned by multiple parties who have never worked together.
- Policy R10 - Land at The Paddocks, Shalloak Road – This land has third party land issues and therefore not deliverable. Pedestrian connectivity is not possible without third party cooperation.
- C12- Land North of University of Kent – This land is not a suitable extension to Canterbury. The Council's evidence base clearly demonstrates why this site is not suitable. The land has connectivity issues and clearly will not deliver in the quantum or timescales required.

The Site has been assessed by the Council in the most recent Strategic Land Availability Assessment (SLAA) under reference SLAA310. It concludes that the Site is assessed as suitable, available and achievable for 152 dwellings. As part of the Local Plan process the Promoters will provide further technical and design studies to demonstrate the deliverability and vision of this Site.

Its overall position is such that the Site is located:

- directly adjacent to the Whitstable Urban Area, as designated in the adopted and emerging Local Plans;
- directly opposite the proposed Brooklands Farm allocation, part of the South Whitstable Strategic Development Area;
- outside of but adjacent to the Chestfield Conservation Area;
- directly adjacent to existing residential dwellings to both the north and west, and thus benefitting from nearby existing (and proposed) services and facilities;
- in a position wherein access can be readily achieved from Chestfield Road, and where connectivity between the Site and the proposed Brooklands Farm scheme could be reasonably achieved; and
- in a spatial planning context of limited constraint where development of reasonable scale could be readily achieved.

SITE DELIVERABILITY

The Promoter and Landowners further wish to confirm the following information to assist in the progression of the Plan towards the Regulation 19 stage, following this consultation period:

1. Current planning status

It should be noted that the Promoter is in a position to prepare an Outline Planning Application, evidencing the overarching deliverability of the Site, subject to progression of discussion and assessment on the planning policy.

2. Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects:

The Promoter is engaged in a Promotion Agreement with the Landowners; both parties are engaged in the submission of these representations to the Regulation 18 consultation. The Site is controlled by a single Land Promoter and no third parties are required in the delivery of housing in this location.

The Site is considered available, suitable and deliverable.

SUMMARY

Overall, these representations conclude that the Site at Land East of Chestfield Road, Whitstable is available, achievable and deliverable for the purposes of residential development, and could be readily considered as part of Policy W4 Strategic Development Area – South Whitstable.

The Site is relatively free of planning constraint, and there exist clear opportunities for synergy with the proposed delivery of strategic development at Brooklands Farm directly opposite the Site.

The Site lies outside the catchment of the Stour Vally River area, meaning that any proposal for development on the Site would not need to demonstrate any mitigation regarding Nutrient Neutrality. As such, development at the site is capable of being delivered within the first five years following adoption of the Plan.

The overall vision and objectives of the Plan are supported, and the positive approach to planning in the district is wholly agreed by the Promoter and Landowners, with emphasis made on the possibility of providing further sustainable development in this location in a manner complementary of the emerging nearby allocation.

We look forward to onwards participation in the Local Plan consultation, and to working with officers at the appropriate time in the preparation of a planning application.

Yours sincerely

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- Red Line Plan
- Vision Framework