



RUBIX ESTATES

LTR/1031/HERNEBAY/RD/GM

Canterbury City Council

Correspondence by email:

3 June 2024

REPRESENTATIONS TO CANTERBURY CITY COUNCIL LOCAL PLAN (REGULATION 18)

LAND WEST OFF BOGSHOLE LANE, HERNE BAY – 5.5 HECTARES (13.59 ACRES) – AVAILABLE FOR NEW HOMES/ EMPLOYMENT/ COMMERCIAL AND OR CUSTOM/ SELF BUILD HOMES

These representations have been prepared on behalf of Ms M Cormack in response to Canterbury City Council's Local Plan (Regulation 18) Consultation and to promote the site known as Land West off Bogshole Lane, Herne Bay and measures 5.5 hectares (13.59 acres).

The Draft Local 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 landowner, 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 landowners, namely those relating to the (i) Vision and Objectives, (ii) Housing Delivery and Spatial Strategy and (iii) proposed development management policies.

In so doing, it identifies for consideration Land West off Bogshole Lane, Herne Bay as an available, achievable and deliverable site in the context of meeting district-wide housing need over the plan period. Crucially for CCC, the land is outside of the Stodmarsh Catchment Area.

A Red Line Planis provided as part of this representation.

The landowner and Rubix Estates look forward to engaging with 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 Canterbury District Local Plan (CDLP) was formally adopted in July 2017 and sets out the spatial strategy and vision for the district for the period between 2011 and 2031.

In addition, the Council developed the Herne Bay Area Action Plan which was adopted in 2010 and contained policies and proposals to achieve the regeneration of Herne Bay town centre.

Rubix Estates – Inspiring Value

The Council is in the process of developing a new Local Plan to run up to 2040, with early engagement commencing in 2020 through a public consultation focussing on the issues facing the district. The Council is requesting responses on the draft Local Plan, which now has a reduced plan period to 2040. The implications of this change are explored further on.

The Local Plan at this Regulation 18 Draft stage identifies a lesser vision for the district in promoting aspirations for residential growth (albeit contracted since the first iteration of the draft Local Plan). It provides the planning framework to support a strong and resilient economy, improved connectivity, healthy communities and a thriving natural environment.

As set out in the National Planning Policy Framework (NPPF) (2024), strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance (paragraph 61). The Council is seeking to deliver its standard methodology housing need figure in full over the plan period.

We consider that this is the minimum the Council should be planning to meet, and we note that several proposed changes have been made to the Council's spatial strategy since the previous consultation (e.g. reducing the plan period from 2044/45 to 2040/41 with the consequential reduction in planned new housing).

Draft Policy SS3 sets out a revised plan-period starting in 2020/21 and ending in 2040/41 (totalling 21-years). This compares to a 25-year plan period proposed in the October 2022 Reg.18 draft plan.

These changes which represent a reduction in ambition is disappointing as several social & economic benefits associated with the previous level of planned new housing will now not be realised. In addition, no contingency has been allowed for as several allocations are large scale strategic developments which may encounter deliverability issues and delays.

Notwithstanding this, the emerging Local Plan proposes to make provision for 1,149 homes per year, creating a need for a total of 24,129 new homes over the Local Plan period of 2020-2041. As set out in the Development Topic Paper (DTP) (2024), "the standard methodology includes a cap, which this year would put the LHN at 1,146 homes per year, on the basis that the adopted Local Plan became over five years old after 17 July 2022. Therefore, for Canterbury district, the highest of the two options in the PPG is '40% above the projected household growth for the area over the 10-year period identified in step 1'3 . 2.15.

However, as there is a high need for affordable housing within the district and the difference is only 3 dwellings per year, the council is not proposing to include a cap".

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 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, several 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 to 2040. 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. However, whilst we are supportive of this, we believe the housing requirements have been understated in this latest iteration of the draft Local Plan to 2040.

(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 2045 alongside an audit of available land interests.

The overall ambition of the Plan is supported, specifically with recognition of the aspirational level of growth in providing at least 1,141 dwellings per annum to meet housing needs as identified in the evidence base, with a total of circa 22,980 new homes over the plan period. To ensure the flexibility of the plan in its implementation, such figures should not be viewed as a 'cap' to sustainable development, but rather a minimum target for housing delivery.

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 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 1.16 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 during the period up to 2040.

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.

Herne Bay in particular benefits from a role as a secondary focus for development (alongside Whitstable), 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.

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 2040.

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.

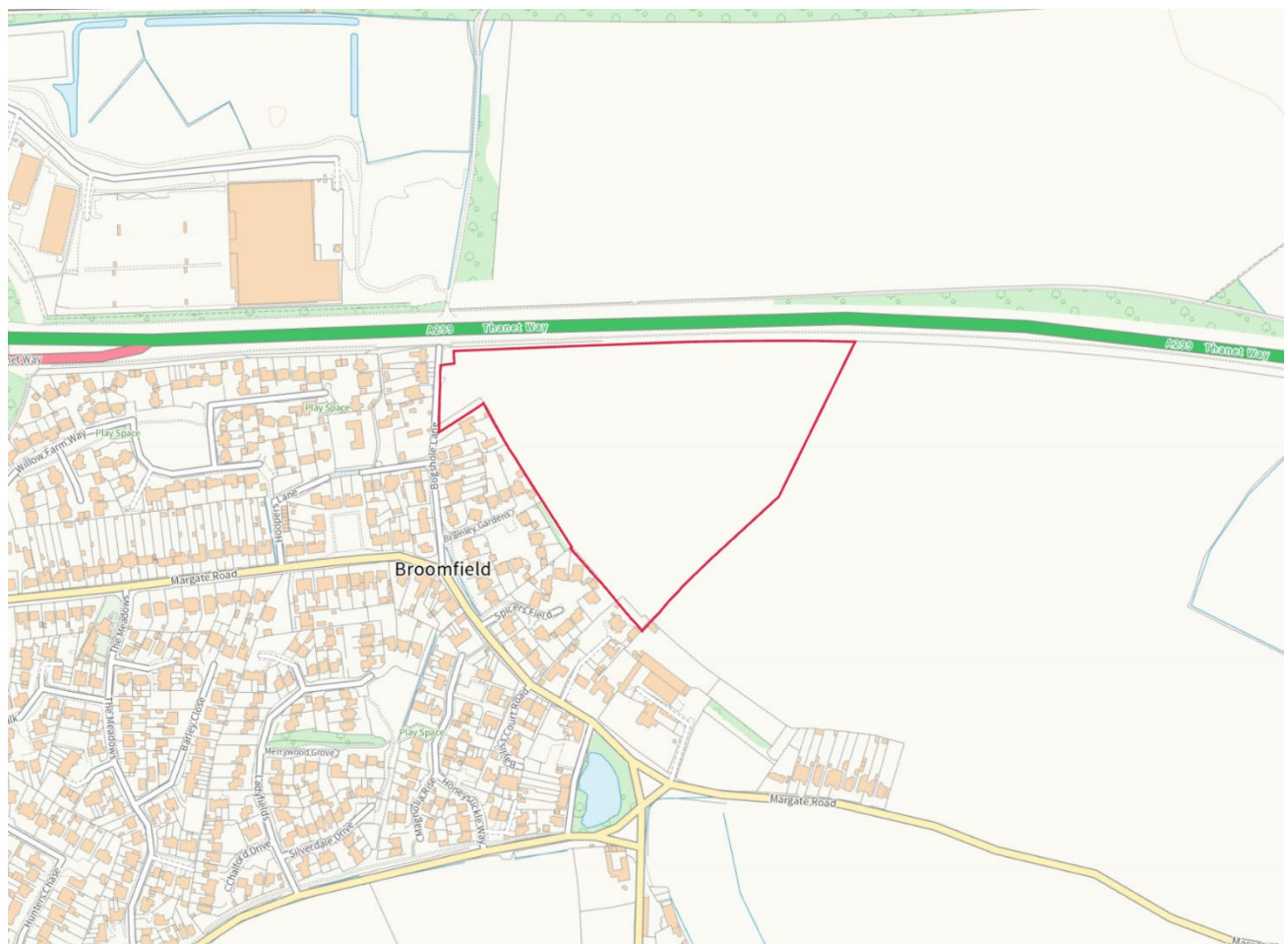
At the current stage of preparation, it would be premature to consider whether the Draft Plan is legally compliant, is sound, and whether it has met the duty to cooperate. That said, the evidence base as prepared – alongside the reported direction of travel – appears to show positive progress towards 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, later in 2024/2025.

SITE LOCATION

The land is owned by Ms M Cormack and is located directly to the south of Thanet Way, the A299, which connects to the M2 and A2 providing easy links into Maidstone and London as well as access to routes heading to the south east coast such as Dover. The site lies approximately 8.6 miles from Canterbury and 2.7 miles from Herne Bay. The closest station is also located in Herne Bay, 2.7 miles away, with direct trains to London Victoria. Public transport connections provide sustainable access to the station. The site is 13.62 acres of farming land, stretching in a triangular shape to the north east in which it reaches a point that meets the A299.

The site is located adjacent to the existing village of Broomfield, an area partly designated as a Conservation Area, of which the part of the north west corner of the site boundary falls into. Within this Conservation Area there are 9 listed buildings. The south west of the site runs parallel with several residential gardens, most of which are separated with a tree line. There is also a tree line providing a barrier between the site and the A299. The site is currently accessed to the north west of the site, at the northern most point of Bogshole Lane, providing vehicular access. There is also a public right of way next to 1 Chapel Cottages, also along Bogshole Lane.



Site Location Plan

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 development north of this land which has planning permission for 955 homes on land at Hillborough Sweechbridge Road, Herne Bay.

The Site achieves access from Bogshole Lane with onwards connectivity providing a range of facilities and services such as Herne & Broomfield Surgery, Herne C Of E Infant & Nursery School, Herne C of E Junior School and Huntsman & Horn Public House. The Site is also conveniently located to Sainsburys, Margate Road Herne Bay, several bus stops, Reculver Church of England Primary School and Beltinge & Reculver Surgery.

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.

The Site is otherwise free of onerous planning constraints.

SITE DELIVERY

Crucially for Canterbury City Council, 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.

FUTURE CONSULTATION

The landowner and Rubix Estates 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 landowner has the capacity 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 Site is held in single ownership and no third parties are required in the delivery of housing in this location and therefore is considered available, suitable and deliverable.

SUMMARY

Overall, these representations conclude that the Site - Land West off Bogshole Lane, Herne Bay is available, achievable and deliverable for the purposes of residential development.

The Site is relatively free of planning constraints, and there exists clear opportunities for synergy with the proposed delivery of strategic development adjacent to 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 up to 2040 is wholly agreed by the landowners, however we believe the housing requirements will need to be enhanced given the complexity of large-scale deliverability the local housing needs referred to above.

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,



Gurdev Moore
Director

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Location Plan