

REGULATION 18 LOCAL PLAN CONSULTATION CANTERBURY CITY COUNCIL

**REPRESENTATIONS MADE IN RESPECT OF LAND TO THE WEST OF THORNDEN
WOOD ROAD, GREENHILL**

ON BEHALF OF WRENTHAM ESTATES LTD



LEE EVANS PLANNING REF: 9052

June 2024

1. INTRODUCTION

- 1.1 Lee Evans Partnership LLP is instructed by Wrentham Estates (hereafter, the Landowner) to submit representations to the Regulation 18 Draft of the Canterbury District Local Plan 2040.
- 1.2 The draft Plan outlines the framework for the scale and distribution of new development, which is required to meet Canterbury District's needs to 2040. It further identifies the planning principles and policies to guide decisions on all new developments, including through a series of site allocations and detailed development management policies against which development proposals will be assessed during the plan period to 2040.
- 1.3 This representation identifies the Landowner's holding at Land to the west of Thornden Wood Road, Greenhill, Herne Bay (hereafter, 'the Site'), and makes a case in support of its allocation for mixed use including a new school, community/commercial uses and residential development of circa 150 dwellings. It also provides comments on the Plan as drafted, including those relating to its soundness.
- 1.4 The Site the focus of this representation comprises circa 16.25ha of land in total and sits adjacent to the western edge of Greenhill. Although detailed commentary is provided against the Plan as a whole, specific commentary is provided in respect of **Emerging Policy HB4 – Land to the West of Thornden Wood Road.**
- 1.5 The following comments are set out in a positive and constructive manner intended to aid the clarity and implementation of the Plan, structured around the following sections:
 - **Section 2** of this Statement describes the representation site and its surroundings;
 - **Section 3** sets out relevant Planning Policy considerations with reference to the Vision, Objectives and key emerging planning policies;
 - **Section 4** sets out detailed commentary of Emerging Policy HB4;
- 1.6 These representations conclude that the Plan can be found legally compliant, and can provide a sound evidence-based approach to planning in the District over the plan period, subject to amendment.
- 1.7 Following review of the LPA's evidence base relating to Herne Bay, it is submitted that the identified educational and residential need for this part of the District can be effectively and appropriately delivered at the Site. This will strengthen the effectiveness and overall soundness of the emerging Local Plan by delivering high quality growth to meet the identified need of at least 1,149 new dwellings per year over the plan period, and to facilitate healthy communities and a thriving social environment.
- 1.8 We welcome the opportunity to further assist or provide comment on the preparation of the Plan which will help shape future development in the area; and we welcome the opportunity to participate at later hearing sessions where appropriate.

2. SITE DESCRIPTION AND PLANNING CONTEXT

- 2.1 The Site, seen in the centre of the image below, covers an area of approximately circa 16.25 hectares. It lies immediately to the west of Greenhill, south of the A2990 (old Thanet Way) and railway line and approximately 300m north of the A299 (Thanet Way). The site is currently in use as arable agricultural land.

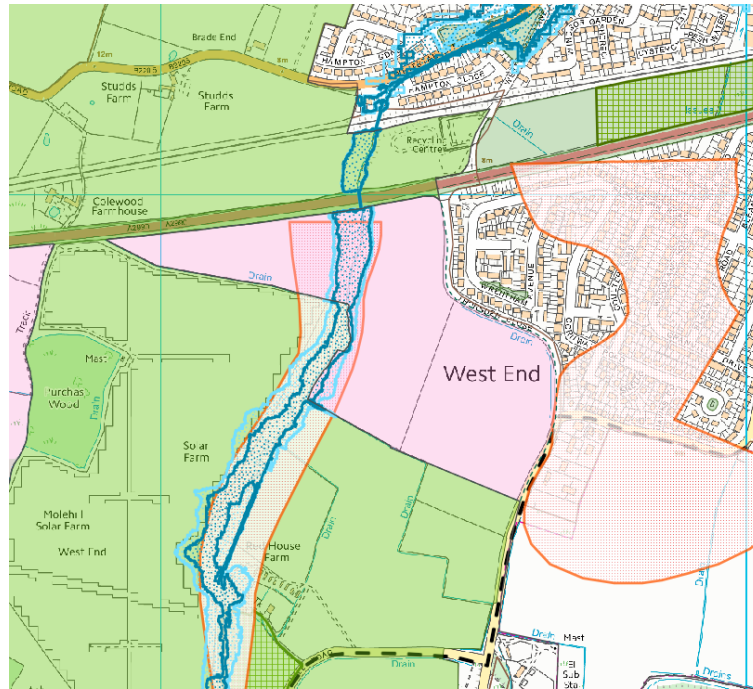


Figure 1. Site Location (courtesy of the emerging Local Plan 2040)

- 2.2 The west and south boundaries of the site meet with agricultural land. Beyond this to the west, is the Molehill Solar Array. There is an established hedgerow along the boundary of the Solar Array, which makes it only partially visible from the representation site. These areas, in conjunction with the representation site, form part of the “Green Gap” as identified on the extant Local Plan Proposals Map 2017 and Policies OS6 and OS7 of the adopted Canterbury District Local Plan 2017. The emerging Local Plan maintains a Green Gap between the settlements of Herne Bay and Whitstable but now seeks to allocate the Site for mixed use development.
- 2.3 The representation site directly adjoins the boundary of the urban area of Herne Bay, as defined on the Local Plan Proposals Map 2017, along its north and east boundaries. These boundaries are formed by Thornden Close and the extensive residential development within Greenhill to the east of Thornden Wood Road. There is no transitional landscaping buffer between the rural and urban form.
- 2.4 Within 100 metres to the south-east of the representation site are a number of fields (to the north of the A299 Thanet Way) which make up “Site 6 – Land at Greenhill, Herne Bay”, a strategic development site identified by Policy SP3 of the adopted Canterbury District Local Plan 2017 for 300 dwellings as well as community facilities to meet local need; recreation and leisure facilities; allotments; provision of, and contributions to, primary and secondary education; and health care provision.

- 2.5 A planning application was submitted in January 2018 (Reference CA/17/02907) in relation to Site 6 for a mixed-use development including up to 450 dwellings including outdoor sports playing pitches; community facilities; new link road; pedestrian and cycle links; sustainable drainage features; public open space and other associated infrastructure. A decision to grant planning permission for this application, pending completion of a Section 106 Agreement, was made by Canterbury City Council at the Planning Committee of the 18th June 2020. The development of that site is now underway.
- 2.6 Greenhill is considered an extension of Herne Bay, as indicated by its inclusion with the defined Herne Bay urban area boundary, and rightly so due to its proximity to the town. Herne Bay is one of the three main urban areas in the Canterbury District and offers a plethora of services, facilities and employment opportunities. The town is accessible to the north of the site on the other side of the A2990.
- 2.7 Greenhill offers a range of services and facilities within close proximity to the site. Briary Primary School is located approximately 400m metres from the representation site (within a 5-minute walk). Secondary education is available at Herne Bay High School on the east side of Greenhill. In addition to the schools in Greenhill, there are other Primary Schools in the centre of Herne Bay.
- 2.8 There are also other facilities including places of worship, hot-food takeaway establishments and a convenience store in Greenhill which benefit existing residents. These vary in terms of their proximity to the site, although the nearest takeaway is within approximately 8-minutes walking distance.
- 2.9 There are also bus services within 3-minutes walking distance of the site which provide services into Herne Bay, Canterbury and Whitstable. Herne Bay railway station is a few minutes' drive away and provides connections to the wider area including London, Ashford and the Thanet towns. National Express bus services are available from central Herne Bay which is approximately an 8-minute drive away.
- 2.10 Public footpath CH12 adjoins the site to the west and extends out towards the northern edge of the Molehill Solar Array, beyond which it meets the A2990. There is a wider public right of way network further afield from the site. The representation site itself appears to be used for informal walking purposes.
- 2.11 The site is predominantly located in Flood Zone 1, where the risk of flooding is lowest. The eastern side of the site is relatively flat, before it falls westwards towards a shallow valley along which West Brook extends. Along the line of the Brook is a portion of land within Flood Zones 2 and 3.

3. REPRESENTATIONS TO REGULATION 18 LOCAL PLAN CONSUTLATION

- 3.1 As above, the Canterbury District Local Plan Regulation 18 ('the Plan') establishes the framework for the scale and distribution of new development required to meet the District's needs to 2040. It identifies a series of site allocations and detailed development management policies against which development proposals will be assessed during the plan period.
- 3.2 Detailed commentary is otherwise provided herein on the Vision, Objectives, and Development Management Policies of the Plan. Commentary is not provided for all policies, and is instead reserved for those considered of most relevance to the Landowner's specific interests to the Site.
- 3.3 **Section 4** of this response looks in detail at the provisions of **Emerging Policy HB4 - Land to the West of Thornden Wood Road**.
- 3.4 Commentary in this Section is provided principally on Emerging Policies as follows:
- Policy SS1 – Environmental strategy for the district
 - Policy SS3 – Development strategy for the district
 - Policy SS5 - Infrastructure strategy for the district
 - Policy DS1 – Affordable housing
 - Policy DS20 and DM14 – Flood risk and sustainable drainage
- 3.5 Commentary is provided using the references above and, where relevant, the paragraph numbers as used in the Regulation 18 Draft.
- 3.6 Due regard has been had to the wider evidence, and where necessary cross-reference has been made to the LPA's evidence as available as part of this consultation process.

OVERARCHING VISION & OBJECTIVES

- 3.7 The Landowner generally supports the Overarching Vision for the District to deliver "decisive improvements to our district's infrastructure while protecting and enhancing our unique natural and historic environments". The draft Local Plan states;

The government's National Planning Policy Framework (NPPF), first introduced in 2012, has led to a step-change in the levels of growth the district is expected to deliver, and the Canterbury District Local Plan (2017) identified a series of strategic development sites, predominantly around Canterbury, Herne Bay and Sturry to deliver the required levels of growth to 2031. This plan responds to more recent changes to the NPPF, which further increase the rate of housebuilding the government expects to see in the district, and sets out a long term plan for growth and development to 2040..

These levels of growth will undoubtedly place pressure on existing infrastructure, such as our roads, schools and water supply. Wherever possible, the council will prioritise the redevelopment of previously developed land and this plan includes a range of brownfield allocations as part of a brownfield-first approach. However, the availability of such land is limited and, to meet the level of development set by national policies, further development on agricultural land is necessary. This plan recognises the intrinsic value of the countryside within the district and the contribution this makes to its rural character.

With growth comes investment however, and this plan provides our district with the opportunity to manage this growth in an effective and sustainable manner; to improve access to high quality housing for our communities; to improve infrastructure for all, to enhance our city, town and village centres, to increase biodiversity and the connectivity of our habitats and open spaces and to respond to the challenges of climate change.

- 3.8 These high level and aspirational principles which inform the direction of the Plan are supported, notwithstanding detailed comments on the policies contained within. It is considered that the objectives are appropriate in supporting the implementation of the Vision over the plan period up to 2040. This is most salient to the Landowner's interests with reference to emerging Policy HB4. The Site at Herne Bay will respond to this positively, by providing space for a new Secondary School, community and commercial spaces and identified housing supply, on an available, suitable, and achievable sites.

STRATEGIC AND DEVELOPMENT MANAGEMENT POLICIES

POLICY SS1 – Environmental strategy for the district

- 3.9 The Landowner **Supports** the policy as drafted.
- 3.10 This policy deals with the overall strategy for the delivery of new open spaces and sports/recreation facilities for the plan period and responds appropriately to the housing delivery aspirations for the district (which will require said space/facilities).
- 3.11 It is anticipated that majority of the identified spaces and facilities will be delivered at the three main settlements of Canterbury, Herne Bay and Whitstable, in association with the major residential allocations and infrastructure delivery. A proportionate delivery of these can be provided at the draft allocation at Thornden Wood Road (Policy HB4), including natural and semi natural open space, amenity green space, play facilities, outdoor sports and allotments.

POLICY SS3 – Development Strategy for the district

- 3.12 The Landowner **Supports** the policy as drafted.
- 3.13 This policy, *inter alia*, outlines the scale of development targeted over the plan period, including annual housing delivery and the provision of “two new coastal secondary schools at Whitstable and Herne Bay”.
- 3.14 At a high level, it confirms that the focus of development will be at Canterbury, Herne Bay and Whitstable and the Landowner supports this approach. In the supporting text to the Policy, the Plan provides a settlement hierarchy. This identifies the three main settlements as ‘Urban areas’ and states that these are “the most sustainable settlements in the district”. Logically these should accommodate the majority of development, including the land supply to assist with the delivery of “An average of 1,149 new dwellings per year.”
- 3.15 As an overall baseline position, this aspiration to both provide sufficient minimum growth to meet identified housing need, and to focus growth in sustainable locations is supported. The policy appears **positively prepared and justified** in its approach to facilitating housing and school delivery to serve a wide range of identified need.
- 3.16 It is agreed that the allocation of a number of sites is appropriate in ensuring a consistent and identifiable supply of housing over the plan period.

POLICY SS5 - Infrastructure strategy for the district

- 3.17 The Landowner **Supports** the policy as drafted.

- 3.18 Policy SS5 identifies key infrastructure allocations in the Plan. This includes education, healthcare, community and sports facilities and water infrastructure. It is essential that this infrastructure not only comes forward but comes forward at the right time and in the right place to support the growth planned for the district. The draft Policy makes provision for this, ensuring that the Plan as a whole is capable of implementation.
- 3.19 Draft Policy HB4 allocates land for the delivery of a secondary school at Herne Bay; one of the “Two new 6FE secondary schools” referenced in Policy SS5. It has long been recognised that the provision of secondary education is imbalanced across the district, with the majority provided for in Canterbury. To improve balance, provide greater opportunity for young people in the coastal area, improve sustainability (reduced travel by car and bus), and increase options for pupils-to-be, the creation of a new secondary school at Herne Bay (and Whitstable), is welcomed.
- 3.20 The demand for two new secondary schools is evidenced in the Draft Infrastructure Delivery Plan, which notes the following;

To support the scale of growth proposed in the new Local Plan there is a need to provide significant additional capacity within the district’s education infrastructure... KCC have undertaken additional assessment work to consider the long-term implications of growth identified in the new Local Plan, and have advised that existing primary and secondary schools for the district are at capacity or will be at capacity when the current Local Plan demand is met. New education provision is therefore required to meet the needs of the new Local Plan growth.

There has historically been an imbalance in the location of secondary school provision across the district, with many pupils from the coastal area travelling to schools in Canterbury as indicated in the KCC Commissioning-Plan-for-Education-Provision. The new Local Plan provides a strategic opportunity to address this imbalance, and therefore the new Local Plan proposes the delivery of new secondary schools in Whitstable and Herne Bay which will allow more secondary school pupils - both at the coast and within Canterbury city - to attend a school in their local area.

POLICY DS1 – Affordable Housing

- 3.21 The Landowner **Supports** the policy as drafted, **subject to amendments**.
- 3.22 This policy sets out the LPA’s position on affordable housing. It is derived from the LPA’s evidence base. The provisions of Policy DS1 are generally supported, with due regard had to schemes of a ‘minor’ nature (i.e. less than 10 dwellings/0.5ha).
- 3.23 It is welcomed that the Policy allows for flexibility in the provision of affordable housing in certain circumstances; it is noted that a core objective of the Plan is the delivery of housing and an onerous or overly stringent policy could otherwise run counter to aspirations to implement a given scheme. However, it is submitted that greater clarity could be provided in the wording of the policy at criterion 4, in which viability and offsite financial contributions are discussed.
- 3.24 It is assumed that greater detail regarding viability evidence and cases in which offsite financial contributions will be accepted will be provided at the Regulation 19 Local Plan stage. Further commentary on this matter is reserved for that time. For example, in instances where the applicant/developer has approached a spread of registered social landlords/the Council, that have all stated no interest in the volume and/or location of affordable housing on offer, this should be recognised as an instance where offsite financial contributions could be accepted.
- 3.25 Notwithstanding the above, this policy appears positively prepared and justified in its approach to facilitating housing delivery to serve a wide range of identified need.

POLICY DS20 AND DM14 – FLOOD RISK / FLOOD RISK AND SUSTAINABLE DRAINAGE

- 3.26 The Landowner **Objects** to the policy's as drafted, **and recommends further explanatory text to support their application in a development management capacity.**
- 3.27 Both policies refer to the requirement to carry out the Sequential Test in certain circumstances. This is in line with national policy and carries over from adopted Local Plan for Canterbury District. However, the geographical scope of the test is not defined, in either the emerging or extant Local Plan and this has led to a lack of clarity for applicants in the past, which has in turn resulted in prolonged applications, unnecessary negotiation between applicants and LPA and ultimately the need for appeals.
- 3.28 It is submitted that one or both policies would benefit from clarity on this matter, with an identified/confirmed scope of test. **The size of area required to be included in the sequential test should be outlined either in the supporting text or in the policies themselves so that applicants have comfort in the knowledge of the extent of assessment/test that they will need to carry out, from the outset. This would render the Policy's effective and more readily enforceable.**

4. POLICY HB4 – ‘Land West of Thornden Wood Road’

- 4.1 Policy HB4 identifies Land to the west of Thornden Wood Road as an allocation for mixed use development.
- 4.2 The Landowner **Supports** the policy as drafted, **subject to the following comments and suggested amendments.**
- 4.3 The Policy states at criterion 1 that the development will include “Proportionate land and build contributions towards early years, primary, secondary and SEND education plus proportionate contributions for primary healthcare and other necessary off-site community infrastructure”. It is submitted that this fails to recognise, or appropriately outline, the contributions that the development should provide. The wording “Proportionate land **and** build contributions” leaves the policy open to interpretation, suggesting that both land and financial contributions could be sought from the applicant. It is submitted that this could amount to ‘double-counting’, especially in relation to the provision of secondary education; the Site will provide land for a 6FE secondary school at ‘nil consideration’ to KCC and thus should negate the need for any financial contributions for such provision.
- 4.4 Similarly, it is submitted that the provision of land for a 6FE secondary school is proportionately greater than the remainder of the Site (the residential/shopping/community facilities), would demand in terms of ‘education contributions’ (including early years, primary, secondary and SEND). A viability appraisal to this end can be provided if required, but in the meantime the Landowner would welcome discussion of this matter with the Council.
- 4.5 It is suggested that the wording of criterion 1 (iii), be amended to read “**Proportionate land and/or building contributions towards secondary education plus proportionate contributions for primary healthcare and other necessary off-site community infrastructure**”.
- 4.6 Criterion 1 (c) requires that development provide open space on-site. However, no allowance is made for eventualities where off-site provision may be preferable/necessary. This is considered inflexible; **it is submitted that flexibility should be built into the criterion to provide the opportunity for applicants to demonstrate need/benefit for off-site provision.** For example, “five allotment plots” in isolation could prove unviable and unsustainable long-term. It is considered that the creation of this low volume of plots would be better served at an existing, established and larger scale allotment site, or in combination with other similarly small allocations required by policy at a site dedicated to new plots.

SITE DELIVERABILITY

- 4.7 The Promoter and Landowner 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 is currently preparing an Outline Planning Application for submission in 2024, evidencing the overarching deliverability of the Site in line with the aspirations of the Plan as drafted. Technical work has been instructed to underpin the detailed inputs to a future planning application. A Public Consultation has already been carried out, and the application is due for submission in October this year.

2. Firm progress with site assessment work;

As above, an Outline Planning Application is targeted for submission in 2024, with a suite of technical work to support such being instructed during 2023-2024. It is anticipated that an Outline Planning Application informed by site assessment work could be prepared to coincide with the Regulation 19 consultation in late 2024/early 2025.

3. *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 Landowner has engaged in discussions with various promoters. The Site is held in single ownership and no third parties are required in the delivery of housing in this location.

4.8 The Site is considered available, suitable and deliverable.