



**CANTERBURY CITY COUNCIL  
DRAFT CANTERBURY DISTRICT LOCAL PLAN TO 2045**

**REPRESENTATIONS ON SITES SLAA004 & SLAA005  
& POLICY OS9 & DRAFT OPEN SPACE STRATEGY  
LAND TO THE EAST OF BULLOCKSTONE ROAD  
HERNE BAY, CT6 7NR**



## Contents

Section	Page
1.0 Background	1
2.0 Suitability	1
3.0 Natural Environment and Open Space	2
4.0 Nutrient Neutrality	5
5.0 Summary	5
Appendix	
I Site Plan.	

<b>1.0 Background</b>		
1.1	Site	The site comprises a largely rectangular block of land immediately adjoining Bullockstone Road. The land is divided into two parts and have both been put forward to the Canterbury District Call for Sites under Reference SLAA004 & SLAA005. We have been jointly instructed by the respective owners of both parts to submit representations on the Site as a whole. The site comprises a mixture of temporary and permanent buildings, large areas of hardstanding as well as pasture for the keeping of horses. The site is well screened to the west by mature hedgerows, with access points directly onto the public highway, Bullockstone Road. Over the years, the occupiers have added additional temporary and permanent structures and established leisure, equestrian and storage uses.
1.2	Area	The site extends to 1.29 Hectares (3.19 acres).
1.3	Access	The site benefits from two existing access points off Bullockstone Road which has provided access to the two separate ownerships. It is envisaged that the combined site would have a revised single access point at the centre of the property serving the site as a whole rather than as two distinct ownerships. The site as a whole benefits from a long road frontage to Bullockstone Road, which will provide sufficient sightlines within the ownership of the Site.
1.4	Proposed Development	The site is deemed suitable and achievable for residential development for approximately 40 - 50 residential dwellings of low density design.
<b>2 Suitability</b>		
2.1	SLAA004 & SLAA005	<p>Sites SLAA004 &amp; SLAA005 have been submitted to the Canterbury City Council Call for Sites and assessed for their suitability for residential development. Both sites were assessed as being entirely suitable for development.</p> <p>The reasoning given for allocation or rejection with the SLAA and Sustainability Appraisal (October 2022) is listed below:</p> <p>“The site was identified as suitable in the SLAA. While the SA has identified significant and minor negative impacts it is determined when reviewed alongside the SLAA on the balance of impacts and considering possible mitigation and design, that the majority of these impacts can be addressed. However, the site is situated within the existing Green Gap. Development of the site is therefore considered unsuitable with regard to existing policies.”</p> <p>The site is clearly considered suitable for allocation for residential development except for the designation of the site as part of Protected Open Space provision for Herne &amp; Broomfield.</p>
2.2	Reasoning for Rejection	The Site is in a highly accessible location adjoining the built

		<p>confines of the wider settlement of Herne Bay. Residential housing adjoins the Property on three sides with the Open Space Provision associated with the Strategic Development of Herne Bay Golf Course which obtained planning permission under the following applications:</p> <p>"CA//15/00844  Hybrid application for the redevelopment of the former Herne Bay Golf Course, including 572 dwellings and associated infrastructure.  Granted 24/09/2015</p> <p>CA//15/01417  Hybrid application for the development of Strode Farm, including 800 dwellings and associated infrastructure.  Appeal allowed with conditions 06/08/2018"</p> <p>The site juts into the residential area within the Herne Bay Golf Course Master Plan, whilst the agricultural land to the south and adjoining the Thanet Way forms an ecological corridor and landscape buffer for the strategic development. The land is therefore considered suitable for development, similarly to the Herne Bay Golf Course Land, which has now been largely developed, sharing characteristics and sustainability credentials. The only determining factor that differentiates the site from the wider development of Herne Bay Golf Course, is the presence of a Protected Open Space allocation. We contend that the Protected Open Space allocation was intended to ensure provision of an ecological corridor through the farmland to the south and has resulted in the subject property being incorporated through association, rather than assessed as a standalone site.</p> <p>The rejection of sites SLAA004 &amp; SLAA005 has therefore been made on the sole basis that the site is restricted by Policy OS9 relating to Open Space Provision. We would therefore, contend that the site is suitable for development and should be included within the Draft Local Plan as a sustainable and deliverable site, providing a clearer edge of settlement location, that would still benefit from the Protected Open Space credentials of the farmland to the south. We would therefore contend that the Protected Open Space provision within Site ID 137 should have its' boundary altered to more accurately reflect the deliverable and achievable open space benefits of the farmland to the south, as part of the strategic Former Golf Course development.</p>
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**3 Natural Environment and Open Space**

3.1	Site 137 – Land to South of Former Herne Bay Golf Course	<p>The site is assessed under the Natural Environment and Open Space Topic Paper with Appendix B: Protected Open Space and Call for Sites Assessment (2022).</p> <p>The site is identified under ID 137, comprising part of a 10.4 Hectare site connected to the strategic development of the former Herne Bay Golf Course and Development of Strode Farm under</p>
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		<p>applications CA/15/00844 and CA/15/01417 respectively. The site is described as a mixed brownfield and greenfield use with no public access and limited views. The Townscape is one of new development. The wider site is identified as providing connectivity between the priority habitat to the west and the open space provided as part of the strategic development site of Herne Bay Golf Course.</p> <p>It is considered that the function of Site 137 is to ensure suitable ecological corridors exist between the priority habitat to the west and the strategic development, as well as providing a landscape buffer between the Thanet Way and the residential development. However, it is clear that the provision of the ecological corridor is envisaged as a deliverable part of the Strategic Development and accordingly tied into the permission granted. No dispute is raised with the role or provision of the wider agricultural land that forms the majority of this allocation. However, it appears that the subject property, being 1.29 Hectares of mixed Brownfield and greenfield land, and encircled by residential development on 3 sides, does not serve this purpose and has therefore been included within the Open Space Provision by default, rather than by purpose. We therefore contend that the inclusion of the Site within Protected Open Space Provision does not serve a purpose and should be removed, in turn allowing the development of the land to provide residential dwellings.</p>
3.2	Protected Open Spaces – Methodology	<p>We have set out below our analysis of how the Subject Site does not meet the criteria to be included within Draft policy DS24 as set out within the Protected Open Spaces Methodology.</p> <p><u>Phase 1</u></p> <p>In confirming whether the sites are protected under any of the dra Local Plan policies, the following points are assessed. Consideration is given as to whether the site is:</p> <ul style="list-style-type: none"> <li>• publicly accessible and a recognised open space typology</li> <li>• a playing or sports facility</li> <li>• an education facility (school, college or university)</li> </ul> <p>The site does not fulfil any of the above criteria. The site is not publicly accessible, not a sports facility, nor an education facility. It is therefore considered that the site does not fulfil a function as protected open space. Nonetheless, to continue the methodology:</p> <p><u>Phase 2</u></p> <ul style="list-style-type: none"> <li>• <b>Step 1</b> - Initial desk-based assessment of: <ul style="list-style-type: none"> <li>○ whether the site brownfield, greenfield or mixed - If the site is brownfield the assessment stopped here as they are not appropriate to be protected as open green spaces;</li> <li>○ Site area (ha);</li> <li>○ Current use of the site - if the site is a residential private garden it</li> </ul> </li> </ul>

		<p>was considered inappropriate to protect due to permitted development rights of the owner;</p> <ul style="list-style-type: none"> <li>○ Any relevant planning history - If there is a granted planning permission which could impact the site's ability to endure the Local Plan period the assessment stopped here as it is not appropriate to protect a space that has permission for a conflicting use;</li> <li>○ Whether the site is covered by International, national or local environmental designations - if a site is completely covered by one of these designations the assessment stopped here as these designations have a higher level of protection and they are covered under Policy DS17 - Habitats of international importance, Policy DS18 - Habitats and landscapes of national importance or Policy DS19 - Habitats, landscapes and sites of local importance</li> </ul> <p>The site is a mixed site consisting of numerous buildings as well as pasture for private equestrian and leisure use. It is therefore considered to have a quasi-brownfield designation which would fail the first point of Step 1. Indeed, the wider allocated site is acknowledged as a Mixed site within the "Natural Environment &amp; Open Space Topic Paper Appendix B – Protected open spaces &amp; Call for Sites assessment." With the wider allocation clearly comprised of open farmland, it is considered that the reference to the site being 'mixed' must clearly indicate that the subject site is at least partially brownfield.</p> <ul style="list-style-type: none"> <li>● <b>Step 2 - Site visits:</b> <ul style="list-style-type: none"> <li>○ Undertaken in 2022, each site which passed Step 1 was site visited and key features such as: topography, notable views into and from the site, trees and landscape features, and notable built form was recorded.</li> </ul> </li> </ul> <p>Similarly to Step 1, it is considered that insufficient inspection or consideration was given to the subject site. Appendix B of the Open Space Topic Paper again indicates that 'limited access was available to determine views from the site'. It is therefore apparent that it was not possible to determine what role the site was serving as protected open space owing to its' inaccessibility, whilst no benefit can have been assessed from its views in the wider setting.</p> <ul style="list-style-type: none"> <li>● <b>Step 3 - a detailed desk-based assessment, using information from the site visits, was undertaken. Consideration was given to:</b> <ul style="list-style-type: none"> <li>○ TPOs, Ancient woodland, priority habitat on the site;</li> <li>○ Townscape: the appearance of the nearby built environment;</li> <li>○ Landscape: the appearance of an area of land;</li> <li>○ Topography: the form of the land surface;</li> <li>○ Views: are there long distance views? Are there features limiting views?</li> <li>○ Public access: is there public access to the entire site, public rights of way or is it private land?</li> <li>○ Habitat connectivity: does the land act as a green ecological corridor between key habitats such as priority habitats or open space?</li> </ul> </li> </ul>
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<b>4.0 Nutrient Neutrality</b>		
4.1	SLAA004 & SLAA005	<p>The subject site lies outside of the Stodmarsh Lakes Catchment area and is therefore deliverable immediately without having to demonstrate nutrient neutrality, nor is it dependent upon the Council's strategic Wetland Solution. As such, we contend that this provides the council with a deliverable supply of housing from the subject site, that gives it a significant advantage over other sites within the Draft Local Plan. Through the release of the site from its' Protected Open Space designation, it would provide a valuable supply, contributing to the Council's Housing Land Supply.</p>
<b>5.0 Summary</b>		
5.1	Summary	<p>Sites SLAA004 &amp; SLAA005 are available for development, suitable, sustainably located and development would be achievable with the scheme being completed in full within 5 years of adoption. Moreover, there are no known viability issues which might prevent the development from being brought forward. The council's own assessment of the sites determines that they are suitable, with any impacts arising through development able to be mitigated through</p>

		<p>design. There are no fundamental barriers to both sites being brought forward for development.</p> <p>The sole restriction preventing the sites from being allocated is the allocation of the site as Protected Open Space. This was originally done as part of the Strategic Development of the Former Herne Bay Golf Course in 2013, albeit it is unclear why this was done so at that time. It may be that it was unforeseen how the masterplan regarding the development would be formulated, however, it has transpired that the subject site has subsequently been surrounded by residential development, whilst failing to serve any purpose as Protected Open Space.</p> <p>Through the assessment of the Protected Open Space Methodology above, it is clear that the subject site does not meet the criteria to remain as such. The agricultural land to the south, falling within the same designated site, fulfils the functions required as an ecological corridor and landscape buffer, whilst the subject site appears to have been included without its own assessment.</p> <p>We therefore request that the boundary of Site 137 within the Natural Environment and Open Space Topic Paper be adjusted to remove Sites SLAA004 &amp; SLAA005, with both subsequently being available, sustainable and deliverable for residential development.</p>
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**APPENDIX I**

**Site Plan**

