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Canterbury City Council
Planning Policy
Council Offices
Military Rd
Canterbury
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16 January 2023

Dear Sir / Madam,

REPRESENTATIONS ON BEHALF OF QUINN ESTATES LTD IN RELATION TO THE FORMER HERNE BAY GOLF CLUB

Iceni Projects Ltd ('Iceni') is writing on behalf of our client, Quinn Estates ('QE'), to submit representations to the draft Canterbury District Local Plan to 2045 which is being consulted on until Monday 16 January 2023, with adoption currently targeted for Summer 2024.

QE is one of the leading and most prominent developers in Canterbury, with the company having successfully delivered a considerable proportion of the District's residential and commercial development over the past decade. The company also has extensive land interests in the District for a range of high quality future development projects of differing scale and complexity. Economic, social and environmental growth and regeneration underpin all of QE's projects and the company always strives to work with local communities and the City Council to deliver transformational development that unlocks growth and inward investment into the District to forge significant societal benefits.

These representations relate specifically to two parcels of land in QE's control at the former Herne Bay Golf Course. This representation is submitted in tandem with an overarching representation that responds to strategic and development management policies in the Draft Local Plan.

The wider Herne Bay Golf Course is a strategically located greenfield site located to the south of Herne Bay which is allocated for a residential led mixed use development in the Canterbury Local Plan 2017. This site is under construction, pursuant to a number of planning permissions as summarised below. It is noted that this strategic allocation, which is largely built out, is not carried forward in the consultation draft Local Plan, nor are any smaller parcels within the wider strategic site allocated for development.

The two specific parcels of land subject to this representation are:

1. Land to the north of the care home, former Herne Bay Golf Course; and
2. Land at the north eastern corner, Braid Drive, former Herne Bay Golf Course.

We enclose site location plans for both sites.

These parcels benefit from extant planning permissions for office uses, and a public house, respectively. It is QE's view that these sites should be allocated to include residential uses for the reasons set out below.

We trust that the comments provided below will be taken into consideration and afforded the appropriate level of weight in the next stages of the draft Local Plan. Addressing the comments set out within these representations is necessary to ensure that the Local Plan reflects the appropriate needs of the surrounding area.

The site and Surrounding Context

Herne Bay

The sites are located within the urban area of Herne Bay. In the Draft Local Plan Herne Bay is identified as an 'urban area' alongside Canterbury and Whitstable at the top of the settlement hierarchy. Canterbury, the largest of the urban areas, will be the focus for development, followed by Herne Bay and Whitstable as the secondary urban areas. In line with Policy SS3, new development will be supported on suitable sites within these urban areas.

It is noted that land to the north of the former Golf Course at Eddington Lane is allocated for business development (Policy HBA7). It is anticipated that 25,280 sqm of employment floorspace will be delivered in this location over the plan period.

Herne Bay Golf Course Strategic Site

The Former Herne Bay Golf Course is located to the south-west of Herne Bay. It is bound by the A299 Thanet Way to the south and A2990 Thanet Way to the north. It is 42 ha in size.

This site is allocated for development in the Canterbury Local Plan 2017 (Policy SP3, Site 4). The policy provides for 600 dwellings, 1 ha mixed commercial uses, a local centre and 8ha of sports and leisure facilities (in addition to associated highways works).

The wider Herne Bay Golf Course site has been subject to a number of planning applications over recent years. The key ones are identified below:

1) **CA/15/00844/OUT** – Hybrid planning permission was granted in September 2015 for the following detailed and outline elements:

a) Full planning permission for: 113 residential units including affordable housing; a Sports Hub, comprising the erection of a sports pavilion (762 sqm); tennis pavilion (33 sqm); green keeper's store (119 sqm); two artificially surfaced football pitches (one shared with hockey); dual use cricket pitch including two mini football pitches; one artificially surfaced hockey pitch; six artificially surfaced tennis courts; a new pedestrian, cycle and vehicular access of the Thanet Way and associated internal roads; sustainable drainage system including flood plain re-modelling; together with associated earthworks, infrastructure, landscaping and artificial lighting.

b) Outline planning permission for: up to 459 residential units including affordable housing; 60 bed care home, Use Class C2; doctors surgery, Use Class D1 (up to 900 sqm); public house, use class A4 (up to 800 sqm); restricted secondary vehicular access off Bullockstone Road including a pedestrian and cycle route; sustainable drainage system; together with associated earthworks, parking, open space, including equipped play and landscaping.

2) **CA/16/00378/VAR** – An application was made to vary conditions relating to the hybrid planning permission to amend the timing of submission of the phasing plan and design code and reduce the number of dwellings to be delivered in Phase 1a from 113 to 109. This application was approved in October 2016.

3) **CA/18/02290** – Full planning application for 93 dwellings, 1,179sqm of office floorspace and 372sqm of retail floorspace across seven blocks. This was approved in November 2019 and includes Block E which forms part of this planning application.

4) **CA/18/02299** – Full planning application for four dwellings, a public house and office building. This was approved in November 2019 and includes blocks J and the area proposed for blocks K and L, which form part of this planning application.

5) **CA/20/01946** - Erection of three-storey building to provide 372m² A1 foodstore and 8 no. flats together with associated parking. This application effectively replaced Block B as approved under

CA/18/02290 with a revised block comprising residential apartments in place of office space. It was approved in July 2021.

6) **CA/22/00026** - Erection of two three-storey and two part-three, part-four storey buildings comprising four commercial units (including office/co-working hub/cafe) and 95 residential apartments together with associated highways and parking infrastructure. This application remains pending a decision, and includes both parcels of land subject to this representation.

Parcel 1: Land to the north of the Care Home

This parcel is 0.72 hectares in size, located within the Golf Course site, to the west of Braid Drive. It is relatively flat, with a small cluster of trees located towards the northern site boundary. Public Right of Way (PROW) CH23 runs along the sites northern boundary and connects into the wider PROW network to the east and west of the subject site.

The site does not contain any designated heritage items, nor is it located within a Conservation Area. The western portion of the subject site is located in Flood Zone 3 and the centre of the site located in Flood Zone 2. The south eastern corner of the site is located in Flood Zone 1.

This site forms part of the original extant hybrid planning permission. A further planning permission was granted in 2019 for this parcel to include, amongst other things, a two/ three storey office building and 100 car parking spaces (LPA ref. CA/18/02299/FUL).

Vehicular access to the Former Herne Bay Golf Course is secured under planning permission CA/15/00844/OUT which delivers a strategic spine road connecting into the A2990 Old Thanet Way, known as Braid Drive. Site access will be taken directly off Braid Drive and via a new road between the subject site and the care home.

This site is highly accessible, forming part of the wider Golf Course redevelopment. It is anticipated that the new facilities and services on the site approved under the original outline permission will be walking distance for incoming residents. The PROW on the site connects the site into PROW CH21 and CH24, which provides pedestrian walking routes through to the north and south of the site. In addition, significant open space and recreation facilities are secured by planning permission CA/15/00844/OUT which will provide significant active and passive recreation opportunities for incoming residents.

As noted, the site benefits from permission for office development. We provide an assessment of the implications of this below, and it is considered that the removal of employment uses from this parcel, or the relocation of these uses elsewhere within the HBGC scheme, would be acceptable.

Given the nature of the site and its characteristics, the balance of community uses already coming forward, and the current lack of market support for the large quantum of office space approved, it is considered that the land is ideally suited to provide a residential led mixed-use scheme. The proposal which is currently being considered by the City Council (LPA Ref. 22/00026/FUL) comprises the development of a three- and four-storey apartment block to provide 60 residential units, with two ground floor commercial tenancies along Braid Drive. The height and density will be appropriate in the context of the three-storey care home being developed to the south of the site, given the prominence of that along the main spine road into the Former Herne Bay Golf Course redevelopment, Braid Drive.

Land at the North Eastern Corner, Braid Drive

This parcel is 0.62ha in size, and comprises the north-eastern corner of the wider Golf Course site, with a vegetation strip and the A299 Thanet Way, running along the eastern boundary of the site. The site is partially cleared and generally flat, with existing trees and vegetation along the northern and eastern boundary.

The site does not contain any designated heritage items, nor is it located within a Conservation Area. The site is located in Flood Zone 1.

The site benefits from planning permission for the provision of a two-storey public house (633 sqm) and 43 car parking spaces (CA/18/02299/FUL).

The site is located within the Zone of Influence (Zoi) for the Thanet Coast and Sandwich Bay SPA/Ramsar.

As noted above, vehicular access to the golf course site will be delivered via a strategic spine road connecting into the A2990 Old Thanet Way, known as Braid Drive. Braid Drive will be extended into the adjoining land (Planning Permission CA/18/02290) and through to the subject site.

The site is in a highly sustainable location. Land adjacent to the subject site includes a number of ground floor commercial spaces, which will be walking distance from the subject site, providing excellent access to services and facilities. PROW No. 45 is located to the west of the site. This connects into PROW CH21, CH23 and CH24, which provides pedestrian walking routes through the Former Herne Bay Golf Course site and through to the north and south of the site. In addition, significant open space and recreation facilities are secured by the original planning permission which will provide significant active and passive recreation opportunities for incoming residents. The site is a 15min walk (5min cycle) to Herne Bay Train Station which provides access into Canterbury City Centre, Ashford and London St Pancras International.

There has been no demand for the provision of a public house in this location, as detailed below. In addition, in terms of the existing policy there is no explicit requirement for a public house in the 2017 Local Plan.

Given the nature of the site in the context of the surrounding development of a mixed-use area, it is considered that the land is ideally suited to provide a residential apartment block and the loss of a public house is acceptable. The current application (LPA Ref. CA/22/00026) shows that this parcel can support 29 units over two blocks, with sufficient car parking provision. With a site area of 0.62ha, this equates to a density of 45.2ha, which will accord with the densities of the residential led mixed-use development on the adjacent land (approved under CA/18/02290).

Removal or relocation of Commercial Uses

Whilst the existing Policy in the 2017 Local Plan for Herne Bay Golf Course requires 1ha of commercial floorspace on this site, it is submitted that the level of commercial floorspace identified in the Local Plan appears to be based upon the original hybrid planning application that was submitted in tandem with the Local Plan being formulated; the basis for its inclusion is not considered to be based on evidence collated as part of the Local Plan.

Significantly, another strategic employment site adjoins the subject site at Eddington Lane and is protected for employment uses in the emerging Plan. This will be the focus of new employment development over the Plan period. It is understood that this site is currently underperforming, and currently only represents average quality/suitability. This is reiterated in the Council's Economic Development and Tourism Study (2020) which identifies the site as capable of accommodating future growth that has not materialised through the current Local Plan. Accordingly, to facilitate employment uses in the designed employment location the Council is looking to take a flexible approach to the delivery of a small element of residential use at this employment location to unlock additional and improved employment uses (Policy HBA7). It is clear from the strategy within the emerging local plan that the focus for employment uses over the Plan period should be at Eddington Lane.

As such, in terms of commercial provision at Herne Bay Golf Course, it is considered that this protected and established employment location should be the first priority for new commercial provision ahead of this site, which, given its mixed-use nature, is better suited to smaller-scale commercial provision as is proposed.

The Council prepared updated evidence in the form of an Economic Development and Tourism Study (October 2020). This notes that the industrial market is stronger than the office market in the district with recognised issues in bringing forward the employment land supply to date, primarily due to viability. Herne Bay is identified as one such location where lower land values mean that industrial floorspace has been particularly successful in this location, but where the values are not necessarily there to viably deliver office floorspace. The study therefore recommends the re-positioning of existing

employment land allocations to better meet local market needs to allow for a greater prospect of delivery.

Quinn Estates has been actively marketing the commercial uses of the site for a period in excess of two years across multiple advertising outlets. However, as detailed in the Marketing Report prepared by Caxtons which has been submitted with planning application CA/22/00026, no substantial leads have arisen to let this floorspace. It is therefore considered that the office floorspace approved for Blocks C, E and J under planning permission ref. CA/18/02290 and CA/18/02299 is surplus to requirements in the local and wider area. The site has been marketed to potential occupiers prior even to the granting of outline planning permission for the site in 2016. Draft Policy DS8 facilitates the loss of employment floorspace if there is clear evidence that the site has been marketed for 2 years.

In any event, the requirement for 1ha of mixed commercial floorspace is for the whole site allocation, and no specific use classes or GIAs are set out in the policy original hybrid planning permission. Therefore, this can be considered a wider definition that applies to any use that generates employment. It should be noted that, should the demand be there, the 1ha of commercial uses could still be provided across the wider site, given the significant excess of open space that is provided for within the planning permissions attached to the site. It should also be noted that there is no policy requirement for a public house on the site currently.

However, even if these two parcels are realised for residential uses without further employment uses coming forward at a later date, when considering the other areas approved for commercial floorspace, associated parking and landscaping and other uses including the local store, care home and sports hub (which has paying members and a licensed bar), the wider site would still offer employment uses in excess of 1ha.

Overall therefore, in relation to the principle of the development in relation to the commercial floorspace, we consider the removal or relocation of commercial uses from these parcels is acceptable for the following reasons

1. There is no policy basis for 1ha of specific commercial uses at Herne Bay Golf Course. This quantum appears to be been required under the site's allocation in the adopted Local Plan as a result of what was at that time an emerging planning application. Therefore there is no available evidence that the site is in need of 1ha of specific commercial uses. In addition, the protected employment site at Eddington Lane continues to be underutilised with a number of empty plots which points towards reduced demand for further provision.
2. As detailed above and in the submitted marketing report, there is a lack of demand for the permitted floorspace on the site and therefore it is not viable to deliver.
3. In any event, the allocation is flexible in supporting a range of different commercial uses and the current planning permissions allow for a significant excess of open space beyond policy requirement. Therefore the site could still accommodate in 1ha of employment space at a later point while still boasting a an excess of open space. ,Notwithstanding this, the site will offer an excess of 1ha of employment uses anyway when provision of non-residential uses including the food store, sports club bar and care home – each of which are employers – are considered.

It is also worth noting that the objective of the Local Plan 2017 policy was for the strategic development sites to be embedded by Garden City principles. In this regard, Appendix 1 sets out the Garden City principle of creating “a wide range of employment opportunities including local jobs within easy commuting distance of homes”. The wider development at the golf course site will not only deliver employment opportunities in accordance with this principle, but site-wide it is considered that the quantum now proposed is appropriate given:

1. The wide array of existing employment opportunities that exist within walking and cycling distance, including numerous types of employment around the railway station;
2. The excellent cycling, walking and public transport connectivity to major employment centres in the wider area; and

3. The increased ability for a large proportion of the workforce to avoid the need to commute on a daily basis through homeworking.

Paragraph 122 of the NPPF makes it clear that if there are changes in demand for land, informed by regular reviews of both the land allocation for development in plans and land availability, the LPA should facilitate alternative uses either through plan making or through the consideration planning applications. The loss or relocation of commercial uses from these parcels should be considered in this context.

Conclusion

Whilst development activity has demonstrated Herne Bay Golf Course to be a successful and attractive location for residential development and other associated community uses, the settlement has not proven to be appealing for new employment premises or the delivery of a public house.

The sites are located within the urban area of Herne Bay, and emerging Policy SS3 notes that proposals for development will be supported where they accord with other policies in the plan. The site forms part of an existing strategic allocation which has been demonstrated within the Canterbury Local Plan 2017 to be an extremely sustainable location for development. They will be within easy reach of the proposed shops and facilities of the Golf Course development, and well connected to the PROW system connecting into Herne Bay town centre. They are also within walking distance to the railway station which provides direct access into London.

The SHELAA considers both sites as suitable for development (Site 131 and 133), but does not recommend they are allocated given the extant permissions for office/ public house use. Officers conclude that residential use would be out of keeping with existing policies. QE disputes this assessment; the existing policy does not prescribe these uses on these specific parcels, and the parameters of the policy for the site as a whole are met. Notwithstanding this, as set out above, it is not considered that there is demand for these uses and in line with para. 122 of the NPPF alternative uses should be considered.

We trust these comments will be taken into consideration and afforded the appropriate level of weight in the next stages of the draft Local Plan. Addressing the comments set out within these representations are necessary to ensure that the Local Plan reflects the appropriate needs of the surrounding area. We would be grateful if you could keep us informed on progress of the draft Local Plan, including any further stages of consultation.

Should you have any queries in relation to these comments, please do not hesitate to contact myself

[REDACTED]

Yours faithfully,

[REDACTED]

Hannah Young
Assistant Director

