

Consultations Team - Planning Policy
Canterbury City Council
14 Rose Lane
Canterbury
Kent
CT1 2UR

Our ref: 25-03123
Date: 21 October 2025

Dear Sir/Madam,

Re: Canterbury District Local Plan Regulation 18 Issues and Options: public consultation, between 9th September to 21st October 2025 – Representations on behalf of a 'Limited Assortment Discounter' Retailer.

Introduction

We act on behalf of our client, a Limited Assortment Discounter ('LAD') retailer, and have been instructed to submit representations to the above Local Plan consultation.

The site relevant to this consultation is located in Whitstable, on land west of Thanet Way and north of Millstrood Road, close to the roundabout (Proposed Site Layout - **Appendix 1**). The proposed area of land is approximately 1ha in size the site is identified as Existing Open Space within the adopted Local Plan ('the Local Plan').

It is considered that our client's potential development would help to support the growth of the area and provide an important service, providing new, quality job opportunities.

We are aware of the recent appeal decision (Appeal Ref: APP/J2210/W/24/3351458 – **Appendix 2**) relating to the outline planning application for development to the north of the proposed site for a three-storey care home, which was allowed at appeal following consideration by the Planning Inspectorate.

Both parties are aware of their respective developments and are supportive of each other's proposals and with the care home and retail schemes considered to be complementary.

Business Model of a LAD Retailer

This section provides a broad overview and background context to the operations of LAD retailers and how they differ from the retail offer provided by larger retailers such as Tesco, Sainsbury's, ASDA etc.

Discount Format

The format of a LAD retailer centres around simple and efficient operations throughout the business, enabling the retailers to offer high-quality own brand products at exceptionally low prices. These low prices and business format had resulting in LAD retailers being referred to as 'deep' or 'hard' discounter. As a result of this different operating format, LAD retailers are distinct from the more mainstream convenience retailers in the offer that they provide to customers.

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The different offer provided by LAD retailers compared to more mainstream retailers is now widely recognised and borne out by previous appeal decisions.

Limited Product Range

Aside from the difference in pricing from the main convenience retailers, another characteristic of the LAD retailer business model is that they carry a comparatively limited range of primarily own brand products.

The majority of LAD retailer product lines consist of basic convenience goods, largely own brand with a small number of recognised brands sold, in addition to a limited range of fresh fruit and vegetables, as well as prepacked meats. The core aim is to provide a simple shopping experience, avoiding any unnecessary packaging and fit out in order to keep prices of products low.

LAD foodstores focus the vast majority of their floorspace on food items, with non-food products generally limited to around 15-20% of store floorspace. These non-food products generally focus on day-to-day household cleaning and health and beauty products.

Not the Full Retail Offer

LAD retailer stores also differ from other convenience retailers, usually not offering any of the following products or services:

- Fresh meat and fish counter;
- Pharmacy;
- Café/restaurant;
- Dry-cleaning service;
- Delicatessen/cheese counter;
- Post Office services;
- Hot food counter;
- Photographic shop;
- Home Delivery/click and collect; and
- Mobile phone shop.

LAD retailers generally do not offer the above products/services as they do not fit within the retail concept of these types of businesses, adding additional cost and space requirements.

As a result of this business model, customers generally purchase their basic staple items in a LAD retailer store in order to benefit from the low prices, but then make further trips to other retailers in order to purchase luxury or specialist items which are not offered within the LAD retailer store.

Employment opportunities

LAD retailers provide a number of employment opportunities to local people, generally employing up to 40 staff within a foodstore. This not only provides further job opportunities to local people, but crucially, the potential for progression within the wider organisation. Employing local people also supports shorter commutes which can be achieved by active transport methods.

Summary

The LAD retailer offer is distinctly different from the more mainstream convenience offer, focusing on efficiency and a simple operational setup in order to provide customers with high-quality products at a low cost.

The comparatively limited range of goods and services offered by LAD retailers inherently lends itself to supporting linked trips with other retailers in order for customers to be able to purchase specialist or luxury goods, often within the more mainstream convenience retailers.

LAD retailers generally operate using a standard store format and have particular locational requirements which necessitates early and proactive engagement with the planning process in order to ensure that they can continue to grow their businesses in a way which responds to changing circumstances and requirements.

The below commentary will address the site in relation to the emerging Draft Canterbury District Local Plan ('the emerging Local Plan') considering the above.

Land to the West of Thanet Way, Whitstable

The site is located to the northwest of the roundabout between Thanet Way and Millstrood Road and is identified as Existing Open Space within Policy OS9 of the Local Plan, comprising principally of scrubland.

Policy OS9 of the Local Plan establishes that proposals which would result in the loss of protected existing open space will be permitted if:

- a. "There would be no material harm to the contribution the protected open space makes to the visual or recreational amenity of the area; and*
- b. The open space has been assessed by the City Council as making no positive contribution to its overall strategy on open space.*
- c. Where there would be material harm, this would be balanced against demonstrable need for the development;*
- d. There is no alternative site available to accommodate the proposed development, and any harm that might result from the development could be offset by the provision of other open space of comparable quality, size, character and usability in a suitable location".*

This policy specifically has been referenced within the recent appeal decision relating to the land to the north of the site which was referred to earlier within this note. The inspector recognised that there is no significant change to the approach in the emerging Local Plan, and that where harm is identified in relation to criteria a. and b. then it is necessary to consider if one of the exceptions set out under criteria c. and d. is met, if so, the loss of the open space is permitted.

The site under consideration here is prominently located along a key main thoroughfare, is within close proximity to numerous residential properties, and is within easy walking distance of the Tesco supermarket to the southeast. In this context, it is viewed that the site is physically suitable to accommodate a discount foodstore, would benefit from a suitable sized local catchment, and would be sustainable in transport terms, promoting linked trips.

Furthermore, within the recent appeal decision referenced previously, this area of Existing Open Space was identified as being a largely featureless strip of poor quality grassed paddock and scrubland, surrounded by urban development, which limit its visual appeal. It was also identified that as the land is not accessible to the public, there are few wider benefits from its direct use beyond its contribution to visual amenity.

It is, therefore, our client's desire to promote this site for allocation within the emerging Local Plan, for future retail use, specifically for a LAD retailer, as this would complement the existing retail land uses in the surrounding area.

Regarding the site's designation as Existing Open Space under Policy OS9 of the Local Plan, it is accepted that the development of the site for use as a discount foodstore would inherently result in harm in terms of criteria a. and b. of that policy, and that achieving an exception criteria would be required for the loss of Existing Open Space to be acceptable in line with local policy.

Subject to detailed retail impact assessment and a new Household Survey, it is considered that there is a case to be made that there is a demonstrable need for the development of a discount foodstore in this location to provide a greater retail provision in the locale and would contribute

positively to increased competition and options for customers when doing their shopping. This would provide a suitable exception under criterion c. of Policy OS9 of the Local Plan and make the loss of the Existing Open Space permissible under local policy

Conclusion

In conclusion, our client has identified the site in question as a potential development site to provide a new foodstore in the near future. It is considered that a foodstore development will offer significant tangible benefits to the area, including employment opportunities; new facilities for local residents and businesses; and increased consumer choice. It is also considered that the proposal would be complementary to the aspirations of the care home development to the north and would support retail in the area more broadly.

Whilst the loss of the Existing Open Space is not desirable, it has been recognised in a recent appeal decision that the land is inaccessible to the public and only readily visible through gaps in the landscaping and on the nearby footbridge, with the space itself regarded as generally low quality, and as such, considered to provide a limited contribution in terms of visual amenity. There is also potential for the proposed development to provide a wider benefit by improving the remainder of the open space.

Furthermore, as established within Policy OS9, the loss of Existing Open Space can be permitted where the criteria set out are met. Criterion c. establishes that material harm to Existing Open Space will be balanced against the demonstrable need for the development.

Whilst there is no “needs” test in retail planning policy, it is considered that a case can be made to demonstrate need for further retail development in this location and that the proposed retail development would positively contribute to greater customer retail choice in the area, as well as creating employment opportunities, providing tangible public benefits from the development.

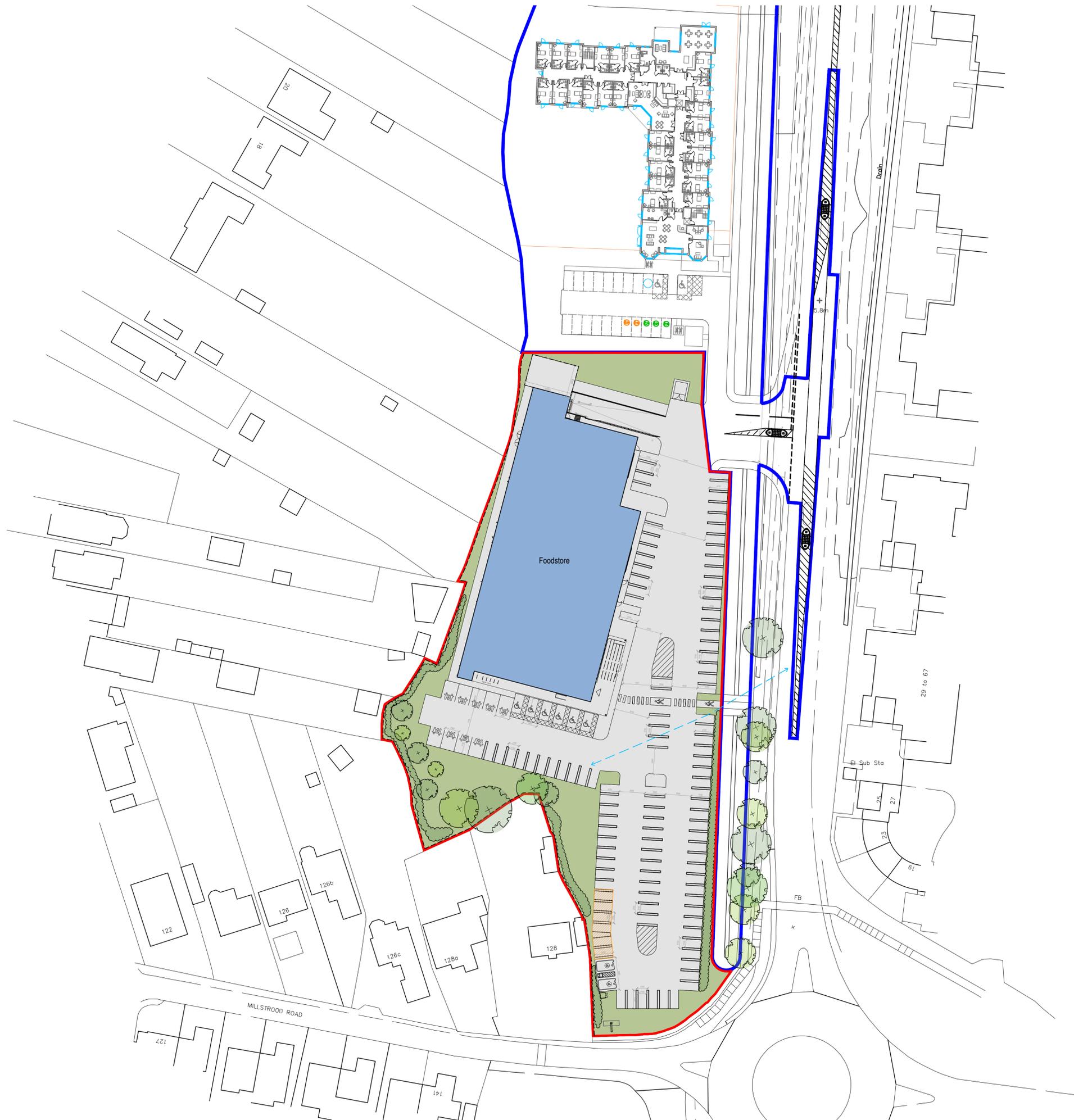
We request that these representations are taken into account in the emerging Local Plan process and that Rapleys are engaged in the future consultation stages.

Yours faithfully,


Rapleys LLP (Oct 21, 2025 15:09:27 GMT+1)

Rapleys LLP

Appendix 1 – Proposed Layout Plan



Hazard Warning Schedule	
HAZARD	COMMENTS / ACTION
Falling from height	Temporary access and edge protection required. Access by trained persons only. Safe working method statement to be provided before works commence.
Contamination/ UXOs	Site investigation required to determine extent of any contamination.
Existing services	Relevant authorities to be consulted prior to commencement of works to determine location and extent of existing services. Ground penetrating radar to be completed prior to any works onsite.
Asbestos	Asbestos survey to be carried out by trained persons if necessary, if found confirmation of prior removal of asbestos from site to be obtained.
Risk of collapse	All excavation and retaining work to be carried out by trained persons. Contractor to ensure adequate design of temporary works prior to commencing.
Difference in levels	Provision of appropriate vehicle protection barriers to embankment / retaining structures where the height difference presents a risk.
Ecology / Biodiversity / aborocultral	Specialist to be consulted / appointed to determine the extent of any impacting factors such as TPOs, protected / invasive species etc
Works to highway	All work pertaining to the highway to be carried out by trained persons only and in accordance with a pre-prepared safe working method statement.
Noise, vibration & disturbance to neighbours	All work to be carried out within agreed working hours in order to limit disturbance to neighbours
Levels	Proposal is subject to a detailed levels plan upon receipt of a current topographical survey, which may have an impact on the proposed site layout and numbers provided.
Plant access	Access to plant to be reviewed once plant requirements are reviewed and confirmed by Mechanical & Electrical Engineer.
Duties under CDM	Client to appoint Principal Designer to undertake duties under CDM 2015. Client to advise on the appointment and contact information of the Principal Designer.

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NOTES:
The sketch proposals shown have been produced using Ordnance Survey data as a base and will be subject to further specialist design from Structural, Highways and Mechanical Engineers. These proposals will also be subject to a detailed cut and fill exercise, stats, TPOs, etc.

No Issue Description Drawn/Checked by
CLIENT

Confidential

PROJECT
Thanet Way, Whitstable

TITLE
Proposed Site Plan

DRAWING STATUS
Sketch

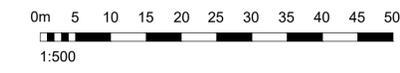
DRAWN CG CHECKED WF

SCALE 1:500 @ A1

DATE October 2025

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JOB NO. 250235 DRAWING NO. SK_06 REV -



Appendix 2 – Planning Inspectorate Decision Notice (APP/J2210/W/24/3351458)



Appeal Decision

Hearing held on 11 December 2024

Site visit made on 11 December 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/J2210/W/24/3351458

Land adjacent to Old Thanet Way, Whitstable CT5 3EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ryan Nicholls of Aspire LPP against the decision of Canterbury City Council.
 - The application Ref is CA/23/02115.
 - The development proposed is the erection of a care home (Use Class C2), as well as the formation of a new access, parking, landscaping and open space. All matters in detail except landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a care home (Use Class C2), as well as the formation of a new access, parking, landscaping and open space with all matters in detail except landscaping at Land adjacent to Old Thanet Way, Whitstable CT5 3EH in accordance with the terms of the application Ref CA/23/02115 subject to the conditions in the attached schedule.

Applications for costs

2. At the hearing an oral application for costs was made by the appellant against the Council. The Council responded orally to the costs application, in which they made a counterclaim for a partial award of costs against the appellant. These claims are the subject of a separate decision.

Preliminary Matters

3. A new National Planning Policy Framework (the Framework) was published on 12 December 2024, after the submission of the appeal. This newly published Framework replaces the previous version. The appellant and Council have had the opportunity to comment on this updated policy context. I have taken the comments of both parties into consideration in making my decision.
4. During the appeal process, the Council withdrew reasons for refusal 2, 3 and 4. I have no reason to come to an alternative conclusion on these matters, which will not form main issues.
5. The site address is described in evidence as being adjacent to Old Thanet Way. However, the OS location plan annotates this road simply as Thanet Way. It was clarified at the hearing that the road is widely referenced as Old Thanet Way, to differentiate it from a newer section of road of the same name. As the parties agree on this point, I shall continue to refer to Old Thanet Way throughout this decision. The site, in any case, is clearly indicated on the submitted site location plan.

Main Issue

6. The main issue is the effect of the proposed development on existing protected open space, including character and appearance.

Reasons

Protected open space

7. The appeal site comprises a strip of open land to the west of Old Thanet Way, within the built up area of Whitstable. The appeal site is inaccessible to the public and is separated from Old Thanet Way by mature landscaping. As a result, the site is only readily visible through gaps in that landscaping and from the footbridge which passes over Old Thanet Way. The appeal site is designated in the Canterbury Local Plan as Protected Open Space (POS), and forms part of *Site 146: All Saints Church and Surrounding Land*. This designation is formed of a 13ha area which includes both the appeal site and adjoining land.
8. Policy OS9 of the Canterbury District Local Plan (LP, 2017) concerns the protection of existing open space. The preamble to LP Policy OS9 sets out that there is a district-wide deficiency in open space, meaning that all POS within the urban boundaries (in this case, Whitstable) should be preserved. It sets out that proposals which would result in the loss of POS will be permitted if they meet certain criteria. This includes that a) there would be no material harm to the contribution the open space makes to the visual or recreational amenity of the area; and b) the open space has been assessed by the Council as making no positive contribution to its overall strategy for open space.
9. LP Policy DBE3 has also been referenced by the Council in its reason for refusal. This policy relates to principles of design and, in summary, sets out that proposals for development should be of a high quality design having regard to the character, setting and context of a site, the conservation of natural features and the visual impact on local townscape.

Assessment against LP Policy OS9

Criteria a) and b)

10. The proposed development would undoubtedly result in the loss of POS. While it is agreed between the Council and appellant that the POS does not contribute to any recreational amenity because the site is inaccessible by members of the public, with which I concur, the policy also requires an assessment of its contribution to the visual amenity of the area.
11. I note the description of the site within the submitted Landscape and Visual Appeal Statement, which sets out that the site forms a fairly featureless strip of poor quality grassed paddock and scrubland, surrounded by urban development. Nevertheless, it would be disingenuous to conclude that the existing site does not contribute, somewhat, to providing a visual and physical break in built form between the development on the east side of Old Thanet Way and residential development to the west of the site, including along Millstrood Road and Clifford Road.
12. The proposed development would result in the loss of the existing physically open space. This currently provides a clear sense of openness and spaciousness in the locality and is evidently cherished by local residents. This perspective on 'openness' is consistent with the findings of the Inspector for a previous scheme, across a wider site. Ultimately, the proposed development would harm the contribution the existing POS makes to the visual amenity of the area.

13. There is no evidence before me that demonstrates that the open space has been assessed by the Council as making no positive contribution to its overall strategy on open space. On the contrary, the preamble to the policy specifically refers to the land adjacent to Thanet Way as having positive amenity value for local residents and acts as a buffer alongside the road. As set out above, I agree with this position. Moreover, from the evidence before me, there are no significant changes to this approach in the emerging local plan, or anywhere else. From that perspective, the proposed development would be contrary to the provisions of both criteria a) and b) of LP Policy OS9, which are designed to be considered in tandem.
14. Both the Council's officer report and the submitted Statement of Common Ground make clear that all criteria under LP Policy OS9 should be considered, meaning that even where harm has been identified under criteria a) and b) it is necessary to move onto the exceptions under criteria c) and d). If one is satisfied, the loss of open space will be permitted. I assess these below.

Criterion c)

15. Criterion c) of LP Policy OS9 is applied where material harm is identified. This should be weighed against the demonstrable need for the development. I have identified that the loss of the existing open space would amount to some harm.
16. The appellant has set out a compelling case in respect of registered care accommodation need in both the entire district and the more immediate locality. A Care Home Need Assessment has been submitted, produced by Healthcare Property Consultants (HPC).
17. This document sets out a district-wide need, at the time of the assessment, of 274 en-suite bedrooms. This is broken down as 151 in the locality. In both cases, this is set to increase this year with an aging population. It is noteworthy that the district has a population of over 85s that is 19% above the national average, and increasing. The appellant's consultant from HPC confirmed at the hearing that, in his view, the need for older people's accommodation in the district is critical.
18. From the evidence before me, current facilities are clearly not sufficient to deal with the need now, and arising, in this housing category. Moreover, I note that a proportion of the existing care homes within the district are not purpose-built accommodation.
19. The Council argues that a good level of care accommodation is being provided and, in the pipeline, as acknowledged in HPC's assessment. The Council also sets out that from 2020/21 to 2023/24 there have been 167 bedspace completions, with extant planning permission for a further 245 spaces. I accept that there is evidence of positive planning activity providing consent for this type of accommodation. However, it is reasonable to conclude that there is no certainty that all, or any, of these schemes will be implemented. Moreover, those that are implemented would, in part, replace bedrooms that have already been lost in recent years.
20. Overall, the district is in a gloomy position in respect of registered care provision. From the evidence before me, this is set to continue, with only limited provision completed or in the pipeline. Accordingly, I am satisfied that demonstrable need for the proposed development has been adequately provided, and that this outweighs the harm that arises from the loss of the existing open space. The proposed development would therefore be in accordance with the relevant provisions of criterion c) of LP Policy OS9.

Criterion d)

21. Criterion d) of LP Policy OS9 sets out that a loss of POS can be accepted where no alternative sites are available and any harm can be off-set by the provision of other comparable open spaces in a suitable location. An Alternative Site Assessment was submitted in support of the scheme, dated November 2023. Some time was spent at the

hearing reviewing the alternative sites put forward by the appellant. Many of these were ruled out by reason of their location, designation for other uses or care being only a small part of a more strategic land allocation. With this in mind, I am satisfied that the appellant has undertaken a reasonable and thorough review of alternative sites in the district and that none are suitable.

22. Nevertheless, I am not convinced that the requirements under the second part of the criterion would be satisfactorily complied with. The open space proposed would be formed of a combination of on-site provision and a financial contribution of £12,935.48. Overall, this would still result in a reduction of open space, albeit some of the new open space would be more accessible than the present POS. I am not convinced that the provision in this respect could reasonably be described as providing open space of a comparable quality, size, character and useability in a suitable location. The proposed development would fail to accord with criterion d). However, this does not change my conclusion in respect of criterion c), above.
23. In reaching my conclusion in respect of criterion c), I do not take the potential loss of POS lightly. The overall objective of LP Policy OS9 is to ensure that open space is protected. Nevertheless, I have found that the appellant, in this particular case, has provided highly specific and compelling evidence for the demonstrable need for the development. Overall, the proposed development would accord with the relevant provisions of LP Policy OS9, which seeks to protect existing open space unless an exception applies.

Assessment against LP Policy DBE3

24. The design of the proposed development, in and of itself, would assimilate to an acceptable standard with established built form to the east side of Old Thanet Way.
25. Nevertheless, the appeal site, as an undeveloped, open and verdant site, provides a welcome visual and physical break in built form either side of Old Thanet Way. This openness would be eroded as a result of the proposed development, introducing built form and substantial areas of hardstanding where there is currently, and historically, none. Ultimately, the proposed development would have a harmful urbanising effect on the character and appearance of the surrounding area. By reason of the mitigating factors of the proposed development, including its overall scale, together with the retention of and enhancement of existing landscaping, this harm could reasonably be described as moderate.
26. Overall, the proposed development would fail to accord with the relevant provisions of LP Policy DBE3, which in summary seeks to ensure high quality design in development which respects its context. Unlike LP Policy OS9, there is no requirement under LP Policy DBE3 to weigh identified harm against any public benefits. This is a matter dealt with below.

Other Matters

Housing supply

27. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. The appellant sets out a supply of 3.99 years. The Council sets out a supply of 4.37 years. In either case, the Council is falling short in respect of supply. The Council has also confirmed that the results of the Housing Delivery Test 2023 show a delivery rate over the past 3 years of 67% of its requirement.
28. As such, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are deemed out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or (ii) any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

29. The Council claims that the appeal site should be deemed Local Green Space (LGS), which is specifically listed at footnote 7 of the Framework. LGS is defined in Framework paragraphs 106 and 107, with the process of designation through local and neighbourhood plans. Paragraph 108 goes on to confirm that LGS designations should be given special protection, consistent with the Green Belt. Whilst I accept that the site is designated as POS, there is no substantive evidence before me to demonstrate that the site, or wider designation, formally constitutes LGS, as defined in the Framework.
30. Given my findings in respect of LGS and in relation to the main issue above, the application of policies in the Framework that protect areas or assets of particular importance, as per paragraph 11.d(i), do not provide a strong reason for refusing the development proposed. In line with paragraph 11.d(ii), I am required to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. I have set out above some of the social benefits of the proposed development. In particular, that the proposed development would contribute to providing desperately needed care accommodation in the district. I give this public benefit substantial weight. Moreover, the Planning Practice Guidance sets out that the provision of 1.8 care beds is equivalent to a single dwelling. This means that the proposed development would provide the equivalent of 42 dwellings towards the Council's housing shortfall. I give this public benefit substantial weight. Additionally, there would be other benefits, including through employment during construction and following completion of the development. I give this public benefit moderate weight.
32. Set against that, the adverse impacts identified in respect of character and appearance would not significantly and demonstrably outweigh the substantial public benefits of the proposed development. Therefore, the presumption in favour of sustainable development applies and paragraph 11.d indicates that permission should be granted.

Third party comments

33. I note that a number of objections have been received from nearby residents and others. Matters raised include highway safety, sustainability, overlooking and light pollution, drainage and flooding, biodiversity and archaeology.
34. There is no dispute between the Council and appellant in relation to highway safety matters. Kent County Council highways officers have confirmed no objection to the proposed development, subject to the inclusion of conditions. I have no compelling evidence before me to come to an alternative conclusion on this matter. Archaeology, sustainability and air quality specialists were also consulted during the course of the application and no objections were received. I have no compelling evidence before me that would lead me to an alternative conclusion in respect of those matters. Matters relating to drainage, flooding and biodiversity have been agreed between the Council and appellant. I have no reason to disagree with those findings.
35. I acknowledge concerns raised relating to overlooking, loss of light and noise pollution. However, the development would be positioned approximately 52m away from the residential properties on the opposite side of Old Thanet Way and approximately 54m away from the nearest property on Clifford Road. There is no dispute between the Council and appellant in this regard and, based on the submitted evidence and my observations on site, I have no reason to come to an alternative conclusion.

Heritage assets

36. The appeal site is located within the wider surroundings of a Grade II listed building, Little Millstrood. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The largely verdant surroundings of the buildings, of which the appeal site forms a part, positively contributes to its significance. Nevertheless, given the location, separation distance and extent of the proposed development, I consider that it would preserve the setting of this listed building and the contribution that setting makes to its significance. I note the Council had no concerns in this regard either

Special Protection Area

37. The appeal site is within the Zone of Influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). All public bodies have a duty to take reasonable steps to further the conservation and enhancement of this designated area. There is the potential for significant impacts on the SPA identified as a result of any net increase in residential development within the zone of influence. This is principally due to pressures on the site by reason of its attractiveness as a location for recreation.
38. The Conservation of Habitats and Species Regulations 2017 (the Regulations) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.
39. The Council's position is that future residents of the proposed development (as a care home) would not regularly be leaving the site. Moreover, external amenity space would be provided on-site. Therefore, no mitigation in the form of SAMMS (Strategic Access Management and Monitoring Plan) contributions for recreational impacts on the SPA have been sought in this particular instance. Based on the evidence before me, I have no reason to disagree with those findings. Natural England has been consulted on this particular approach, which is case-specific, and has confirmed its satisfaction.
40. There is no evidence before me to demonstrate that any other adverse effects exist. I therefore conclude that the proposed development would not lead to adverse effects on the integrity of the protected sites.

Unilateral Undertaking

41. A signed Unilateral Undertaking (UU) has been submitted by the appellant. This would secure the provision of an open space contribution of £12,935.48.
42. Paragraph 58 of the Framework and Regulation 122 of the CIL Regulations sets out three tests that planning obligations must meet. Firstly, they must be necessary to make the development acceptable in planning terms. Secondly, they must be directly related to the development. Thirdly, they must be fairly and reasonably related in scale and kind to the development.
43. I am satisfied that the planning obligations would meet the requirements of the Framework and the CIL Regulations.

Conditions

44. The Council has provided a list of conditions, agreed with the appellant, that it suggests should be applied in the eventuality that the appeal is allowed. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance.
45. In addition to requiring commencement within the relevant statutory period, I have imposed conditions requiring adherence to the relevant plans and relating to details of reserved

matters, for certainty. Conditions relating to materials are imposed in the interests of character and appearance.

46. Conditions relating to ventilation systems and a construction environmental management plan are necessary in the interests of the protection of the living conditions of existing and future residents. Conditions relating to the protection of existing trees are imposed in the interests of tree health and the character and appearance of the area. Conditions relating to drainage and flooding have been imposed. These are necessary in the interest of sustainability and to avoid flood risk.
47. Conditions requiring the submission of an ecological enhancement plan, details of the translocation of protected species and an external lighting plan are required in the interests of sustainability and the protection and enhancement of biodiversity. Conditions relating to a travel plan and access arrangements for pedestrians, car and cycle parking are required in the interests of sustainability and to ensure appropriate provision of access and parking spaces. Conditions relating to vehicular access and loading are necessary in the interest of highway safety.
48. Conditions relating to the protection of trees, a construction environmental management plan, sustainable drainage measures and ecological translocation and enhancement measures are pre-commencement as they are necessary for certainty and to ensure that any potential mitigation is properly designed in prior to the commencement of development.

Conclusion

49. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Dan Blake	DHA Planning
Matthew Woodhead	DHA Planning
Ryan Nicholls	Aspire LPP Limited
Louis Wilkin	Aspire LPP Limited
Zak Karbani	Aspire LPP Limited
Chris Jenkinson	Jenk Landscape Design and Planning
Nigel Newton Taylor	Healthcare Property Consultants Ltd

FOR THE COUNCIL

Kelly Tonkin	Canterbury CC
Vic Hester	Canterbury CC

INTERESTED PARTIES

Valerie Kenny	Thanet Way Residents Association
Angela Boddy	Thanet Way Residents Association

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Approval of the details of the landscaping of the site (hereinafter called the 'reserved matters') on land identified within the outline application boundary shall be obtained from the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 3) Applications for approval of the reserved matters must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.
- 4) The development hereby approved shall be carried out in accordance with the submitted drawings:
 - Site Location Plan - Drawing no. PL-001 C
 - Proposed Site Plan - Drawing no. PL-002 F
 - Proposed Block Plan - Drawing no. PL-011 D
 - Proposed Ground Floor Plan - Drawing no. PL-003
 - Proposed First Floor Plan - Drawing no. PL-004
 - Proposed Second Floor Plan - Drawing no. PL-005
 - Proposed Streetscene - Drawing no. PL-010
 - Proposed North and West Elevations - Drawing no. PL-009
 - Proposed South and East Elevations - Drawing no. PL-008
 - Proposed Roof Plan - Drawing no. PL-007 A
 - Proposed Roof Space Floor Plan - Drawing no. PL-006
 - Proposed Access Arrangements - Drawing no. 2023/6803/003 P6
 - Off-Site Highway Works - Drawing no. 2023/6803/004 P3
- 5) No development shall take place on the site until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and shall remain in place until the completion of the development.
- 6) No development shall take place on the site until details of the means of foul and surface water disposal, including a detailed sustainable surface water drainage scheme for the site and a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 7) No works of clearance, site preparation or development shall take place on the site, unless protective tree fencing is erected in the locations shown on the Proposed Site Plan PL-002 as set out in the submitted David Archer Associates Tree Survey. Once erected, the fencing shall be retained in-situ until the completion of the development.
- 8) No works of clearance, site preparation or development shall take place on the site until a suitable translocation site has been identified and agreed in writing by the Local Planning Authority as part of a Comprehensive Reptile Mitigation Strategy. The Strategy should include detail regarding the size and suitability of the proposed translocation site(s), as well as a reptile translocation methodology (including reptile

- exclusion fencing specifications, site habitat creation measures and long-term management plan) and detail regarding how the receptor site(s) is legally secured on long-term management.
- 9) Prior to commencement of the development hereby approved, an ecological enhancement plan including a timeframe for its implementation and a management regime for its on-going provision shall be submitted to the Local Planning Authority for its written approval. The plan should demonstrate how the site will avoid a biodiversity net loss and provide opportunities to enhance biodiversity through planting and other ecological enhancement features within the site. The approved planting and other ecological enhancement features shall be fully implemented prior to the first occupation of the development and retained as such thereafter in accordance with the management regime.
 - 10) Prior to their first use in the development hereby permitted, details of the materials to be used for the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained as such thereafter.
 - 11) Prior to the first use of the development, full design and installation details of a ventilation system for food cooking and preparation rooms shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in fully and retained as such thereafter.
 - 12) Prior to the first use of the development, the access shown on approved drawing 2023/6803/003 Rev P6 shall be provided and retained as such thereafter.
 - 13) Prior to the first use of the development, the right turn lane on (Old) Thanet Way A2990 as shown on the approved plan 2023/6803/003 P6 shall be provided and retained as such thereafter.
 - 14) Prior to first use of the approved access, the first five metres of the access in the site measured from the back edge of the highway shall be constructed of a bound surface material and retained as such thereafter.
 - 15) Prior to the first occupation of the development, the area shown for vehicle loading/unloading and turning facilities on the approved drawing shall be provided and retained as such thereafter.
 - 16) Prior to the first occupation of the development, the area shown on the approved drawing PL-002 Rev F for the parking of vehicles shall be provided and retained as such thereafter.
 - 17) Prior to the first occupation of the development, full details of the secure cycle storage facility as located and shown on the approved drawing shall be submitted to and approved in writing by the Local Planning Authority. The storage facility shall be provided upon occupation of the development and retained as such thereafter.
 - 18) Prior to the first occupation of the development, the pedestrian crossing and footway on (Old) Thanet Way A2990 from the site access to Millstrood Road roundabout as shown on the approved plan 2023/6803/004 P3, shall be provided and retained thereafter in accordance with the approved drawing.
 - 19) Prior to the first occupation of the development, a verification report demonstrating that the translocation of reptiles from the appeal site to the proposed receptor sites has been undertaken shall be submitted to and approved in writing by the Local Planning Authority.
 - 20) Prior to the first occupation of the development, details of external lighting for and across the site shall be submitted to and approved in writing by the Local Planning

Authority. The approved details shall be implemented and retained as such thereafter.

- 21) The development shall be carried out in accordance with the submitted Travel Plan, which shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.
- 22) The means of surface water disposal, required under Condition 6, shall incorporate measures to ensure that there will be no discharge of surface water onto the highway.

END OF SCHEDULE