



UNION4 PLANNING

Telereal Securitised Properties GP Limited

Becket House, 2-6 New Dover Road

WRITTEN REPRESENTATIONS

to the Regulation 19 Consultation on the
Publication Draft Canterbury District Local Plan

May 2026



UNION4
PLANNING

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1.0 Introduction

- 1.1 Union 4 is instructed by its client, Telereal Securitised Properties GP Ltd ("Telereal"), to prepare and submit representations to Canterbury City Council's ("the Council") Reg 19 Consultation on the 'Publication' draft Local Plan to 2045.
- 1.2 Telereal is the site owner and developer for the site at Becket House, 2-6 New Dover Road, Canterbury. The site is an allocated site for residential development within the emerging Local plan. The site was initially allocated (Allocation C17- Becket House) in the Regulation 18 Draft Local Plan (October 2022) and in the Revised Regulation 18 Draft Local Plan (May 2024) allocation (Allocation C13- Becket House). This allocation has been carried forward into the Regulation 19 Publication draft (Allocation C7)
- 1.3 This submission builds upon representations previously made at Regulation 18 stage and the subsequent revised Regulation 18 draft consultation. It is acknowledged and welcomed that a number of the amendments previously suggested have been taken into account by the Council in progressing the Plan. However, there remain a number of key issues which are considered to render aspects of the allocation and associated policies unsound. These are set out within this submission.
- 1.4 The allocation of the site for residential development is strongly supported. The redevelopment of this vacant, previously developed site represents the most appropriate and sustainable use of the land and will contribute positively to the strategic objectives of the Plan, particularly in delivering high-quality housing in a highly accessible urban location. However, the identified capacity does not reflect the site's realistic development potential or the objective of optimising the efficient use of land.
- 1.5 Whilst supportive of the allocation in principle, Telereal considers that both the allocation and certain emerging development management policy requirements within the Local Plan are insufficiently flexible and risk constraining the deliverability and optimisation of sustainable brownfield sites. On this basis we consider that the allocation and the policies addressed below are unsound.
- 1.6 Telereal reserves the right to participate in the Local Plan Examination Hearing sessions, should this be necessary.

2.0 Site Allocation C7 (Becket House)

- 2.1 The landowners are fully supportive of the residential allocation of the site and its continued inclusion within the Regulation 19 plan.

Density and Optimisation of Development Allocation

- 2.2 The allocation acknowledges that opportunities to increase density should be considered in order to make efficient use of the land, which is supported. However, the capacity identified within Allocation C7 does not reflect this objective or the site's realistic development potential. As such, the allocation fails to secure the efficient use of this sustainably located brownfield site, contrary to the requirements of national policy.

Test of Soundness

Test of Soundness: It is considered the allocation is unsound as it does not accord with national policy, in particular the requirement to make efficient use of land

- 2.3 Allocation C7 identifies an indicative capacity of approximately 67 dwellings across the site. Taking into account the existing prior approval for 42 units at Becket House, this implies delivery of only circa 25 additional units. This equates to a density of approximately 60 dwellings per hectare, which is significantly below the expectations set out in Draft Policy DS13 (Sustainable Design). Policy DS13 requires development within and adjacent to town centres to achieve densities of at least 80 dwellings per hectare, where appropriate. The capacity identified within the allocation therefore conflicts with the Council's own policy framework and fails to reflect the stated objective of optimising development on accessible urban sites.
- 2.4 In addition to the prior approval for 42 flats within Becket House, planning application CA/24/01014 proposes the redevelopment of the remainder of the site to provide two blocks of 3–5 storeys comprising 54 flats (1- and 2-bedroomed), alongside 15 townhouses (3 and 4-bedroomed), and associated infrastructure following demolition of the existing building. The application therefore provides a total of 69 new homes with a balanced and policy-compliant mix.
- 2.5 Across the wider site, this results in a total of 111 dwellings on a site area of approximately 1.1 hectares, equating to a density of circa 105 dwellings per hectare. The application is currently pending determination, subject to agreement on nutrient neutrality mitigation; however, all other matters, including design, layout and scale, have been agreed as acceptable by officers. This demonstrates that a significantly higher density can be achieved on the site in an appropriate and policy-compliant manner.
- 2.6 This is further supported by the surrounding context. The adjoining development at Copperfield Court and Flagstaff (ref. CA//03/00539) delivers 62 units on a site of approximately 0.4 hectares, equating to a density of approximately 155 dwellings per hectare. Whilst it is recognised that sites

are not directly comparable, this demonstrates that higher density development is characteristic of the area and can be successfully delivered.

- 2.7 It is therefore clear that the site is capable of accommodating a greater quantum of development, including flatted development appropriate to its central and highly accessible location. The submitted application drawings demonstrate how this can be achieved in a manner that responds positively to the surrounding context. The proposed density and mix of development have been accepted in principle by officers and should be reflected in the allocation.

Suggested Changes

- 2.8 Policy C7– Becket House to be amended to read as follows

Site C7 is allocated for residential development. Planning permission will be granted for development which meets the following criteria:

1. *Development Mix* - Across the site, the development mix will include: (a) Approximately ~~69~~ **111** new dwellings including affordable housing, accessible housing and an appropriate housing mix in line with Policies DS1 and DS2.
2. *Design and Layout* - The design and layout of the site should: (a) Provide conversion of Becket House into apartments, or new build if conversion is not feasible, and provide an appropriate mix of types of homes **which could include either flatted development or dwelling houses** to the remainder of the site. The applicant should optimise the density of development on this central location to make efficient use of the land;

3.0 Other Planning Policies

Policy DS15 Infrastructure Delivery

- 3.1 Whilst the objective of Policy DS15 to secure appropriate infrastructure provision is supported in principle, the primary concern relates to Criterion 6 of Policy DS15. Criterion 6 of the policy restricts the ability to deviate from policy requirements on viability grounds to circumstances where there have been significant changes since the adoption of the development plan, such as changes in build costs, market conditions or unforeseen abnormal costs. This approach is overly restrictive and does not reflect the reality of development, particularly in relation to previously developed and urban sites.

Test of Soundness: It is considered that Policy DS15 is unsound as it is not justified, effective or consistent with national policy.

- 3.2 In many cases, particularly on brownfield sites, viability challenges are not the result of changes arising after plan adoption but are inherent to the site itself. These include factors such as demolition costs, remediation, abnormal ground conditions, site assembly and existing infrastructure constraints. Such costs are often uncertain, site-specific and may only become fully understood as detailed design and technical work progresses. As a result, they cannot always be reliably captured through high-level plan viability evidence.
- 3.3 By limiting viability considerations only to changes occurring post-adoption, the policy fails to recognise that some sites may not be viable in policy-compliant terms from the outset. This therefore risks preventing otherwise sustainable and deliverable brownfield sites from coming forward, contrary to the objectives of the Plan and national policy which seeks to prioritise the effective use of previously developed land.
- 3.4 Overall, the policy does not provide a sufficiently flexible or realistic framework for addressing viability and therefore is not effective in ensuring that development will be delivered.

Suggested Changes

Policy DS15 Infrastructure delivery- additional wording to be amended as follows:

6. To ensure that developments provide the necessary planning requirements to create and maintain sustainable settlements and neighbourhoods, deviation from policy requirements on grounds of viability will only be considered appropriate where ~~one or more of the following have occurred to a significant degree since the adoption of the relevant development plan(s):~~ **robust, site-specific evidence demonstrates that full policy compliance would render the development unviable, having regard to all relevant costs, values and constraints, whether arising before or after plan adoption.**

- ~~a. Additional infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the development plan's adoption; or~~
- ~~b. Adverse changes in building costs relative to sales values; or~~
- ~~c. Worsening of local market conditions such as a prolonged recession or an extraordinary local event demonstrably affecting development values.~~

In applying this policy, the Council will have regard to site-specific circumstances, including but not limited to abnormal costs, remediation, demolition, infrastructure requirements and other constraints commonly associated with previously developed land.

Policy DS20 Habitats of International Importance

- 3.5 Whilst the objective of Policy DS20 is supported in principle, the policy is not considered sound as it is not positively prepared, justified or effective. The policy does not provide a clear, deliverable or evidence-based mechanism for achieving nutrient neutrality and places reliance on site-specific mitigation measures that are unlikely to be feasible for a significant proportion of development sites.

Test of Soundness: It is considered that Policy DS20 is unsound as it is not positively prepared, justified or effective and does not accord with national policy

- 3.6 Policy DS20 places the primary responsibility for achieving nutrient neutrality on individual development proposals, including through the provision of on-site wastewater treatment solutions and significant nutrient reductions via SuDS. While such measures may be appropriate in some circumstances, they are not feasible for all sites, particularly previously developed and urban sites where physical constraints, design limitations and viability considerations restrict the ability to deliver such infrastructure.
- 3.7 As a result, the policy does not provide a clear and consistent framework for decision-making across the plan area. This is a critical issue given the reliance placed on these sites to meet housing requirements, particularly in the early part of the plan period. In this respect, the policy is not effective, as it does not clearly demonstrate how development will be enabled to proceed in a consistent and deliverable manner.
- 3.8 Whilst the Council has now agreed to the use of a district-wide nutrient credit system as part of its mitigation strategy, this approach is not clearly embedded within Policy DS20.
- 3.9 There is no explicit reference to the credit mechanism within the policy wording, nor clarity as to how it will be applied in the development management process to secure compliance with nutrient neutrality requirements.

- 3.10 As a result, there is a disconnect between the established mitigation strategy and the policy framework, which creates uncertainty for decision-making and risks inconsistent application of policy requirements. Paragraph 20 of the NPPF requires strategic policies to make sufficient provision for infrastructure, including that needed to address environmental constraints. In the absence of clear policy alignment with the agreed credit system, DS20 does not fully meet these requirements and is therefore not justified or effective.
- 3.11 Overall, the policy establishes the principle of nutrient neutrality but does not adequately align with the agreed delivery mechanism now in place. This creates uncertainty in application and risks unnecessary barriers to the delivery of sustainable development, particularly on brownfield sites within the urban area.
- 3.12 It is also important to provide clear policy support for those schemes (both private and provided through the Council's own Stour Environmental Credit scheme), that provide off site nutrient credits in accordance with the legal framework. This provides the main mechanism to unlock development within the Stour catchment.
- 3.13 It should be noted within the supporting text that the potential nutrients (phosphate and nitrate) arising from development will be related to the scheme proposed and that occupancy levels will be determined on the basis of the mix of housing proposed. The application of an average across the Borough irrespective of the development mix proposed risks placing an unnecessary penalty on in any requirement for credits. As such the local plan should set a range of occupancy rates for 1, 2, 3 and 4 bed dwellings in order to ensure that the cost of mitigation relates fairly to the development proposed.

Suggested changes

Policy DS20 Habitats of International Importance- additional wording to be added as follows:

Where development is unable to achieve nutrient neutrality through on-site measures, development will be required to contribute to the Council's strategic nutrient mitigation programme, including offsite, strategic nutrient credit mechanisms.

The Council will maintain and operate a district-wide credits framework to secure nutrient neutrality, including the use of strategic wetland delivery and associated mitigation infrastructure. Contributions secured through this system will be used to offset nutrient impacts within the Stour Catchment and ensure compliance with the Habitats Regulations.

As such the local plan should set a range of occupancy rates for 1, 2, 3 and 4 bed dwellings in order to ensure that the cost of mitigation relates fairly to the development proposed.

Policy DS25 Supporting Biodiversity Recovery

- 3.14 Whilst the objectives of Policy DS25 to improve the biodiversity across the district is fully supported we object to the blanket requirement that major developments must deliver 20% Biodiversity Net Gain.

Test of Soundness: It is considered that Policy DS25 is unsound as it does not accord with national policy.

- 3.15 Planning Practice Guidance states that "Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development" (Paragraph 006 Reference ID: 74-006-20240214).
- 3.16 We recognise that Kent County Council has produced the Viability Assessment of Biodiversity Net Gain in Kent -Final Report (June 2022) which assesses the high-level viability of a range of development typologies at 10%, 15% and 20% BNG targets and that the Council have produced their own evidence base Local Plan Viability Study (May 2022)
- 3.17 Such county level studies are necessarily high-level and do not adequately account for the variability in site conditions, particularly in relation to previously developed land and more constrained urban sites. In practice, such sites often face abnormal costs and limited on-site opportunities for biodiversity enhancement, making higher BNG targets more difficult to achieve without reliance on off-site provision or financial contributions.
- 3.18 With specific reference to Becket House (Allocation C7) the viability Report submitted with the planning application provides a site-specific assessment which concludes a significant issue with the proposed development providing a policy level of affordable housing. We therefore question assumption that a blanket 20% BNG requirement could be achieved on all sites without impact on viability and therefore the delivery of a site.
- 3.19 The imposition of a blanket 20% requirement therefore risks undermining development viability and, in turn, delivery—particularly on brownfield sites which are otherwise prioritised by national policy. This approach conflicts with the requirement set out in national policy that Local Plans should be deliverable and should not place undue burdens on development that would threaten viability.
- 3.20 In addition, the Council's viability evidence base, principally the May 2022 study, does not reflect more recent changes in build costs, financing, and market conditions. As such, it cannot be relied upon to robustly support the imposition of a 20% BNG requirement without further updated evidence. The specific requirement for the 20% BNG provision in C7 which was in the Regulation 18 draft has been removed suggesting recognition that 20% BNG is not always viable.

Suggested Changes

3.21 Policy DS25 – Supporting biodiversity recovery to be amended to read as follows

b. Major developments must deliver ~~20%~~ **a minimum of 10%** Biodiversity Net Gain. This is made up of a 10% statutory net gain and a 10% local net gain. **Any biodiversity net gain above the statutory minimum should be supported where it is demonstrated to be viable and achievable.** The 10% statutory net gain must be **statutory minimum should be delivered** in accordance with the hierarchy set out below, ~~however for the purposes of the 10% local net gain, the council will apply points 4(b) (ii), (iii) and (iv) of the hierarchy flexibly.~~ **with a proportionate and flexible approach applied to the use of on-site, off-site and credit-based solutions having regard to site-specific circumstances.**

Where ecologically appropriate, the provision of SuDS, the tree cover provision, can contribute to biodiversity net gain above 10% (the local 10% net gain). **including where this exceeds the statutory minimum.**

Policy DS28 Publicly Accessible Open Space and Sports

3.22 Whilst the provision of high-quality open space is supported in principle, Policy DS28 is considered overly prescriptive in its current form. In particular, the requirement for developments below 3.4 hectares and flatted schemes to provide open space on-site “as a minimum” fails to provide sufficient flexibility to respond to site-specific circumstances, particularly for constrained or higher density urban sites.

Test of Soundness: It is considered that Policy DS28 is unsound as it does not accord with national policy.

3.23 The blanket expectation for on-site provision, alongside the requirement to deliver multiple open space typologies, does not adequately recognise the practical and viability constraints associated with previously developed land. In many cases, a more appropriate and effective approach would be to secure off-site contributions towards enhancing existing accessible open spaces, rather than requiring fragmented or sub-optimal on-site provision.

3.24 Furthermore, when read alongside other policy requirements—including biodiversity net gain, density expectations, and affordable housing provision—the cumulative impact risks undermining the deliverability of development. The policy should therefore be amended to allow greater flexibility, including explicit support for off-site provision or financial contributions where this would deliver better planning outcomes.

Suggested Changes

3.25 Policy DS28 – Publicly Accessible Open space to be amended to read as follows

Developments of less than 3.4ha and flatted schemes will be expected to provide open space that may consist of fixed play areas and/or amenity green space and green corridors as appropriate to the site and its locality ~~on-site as a minimum~~ **on site where this is feasible and appropriate.**
Where on-site provision is not practicable or would compromise the viability, design quality or optimal use of the site, off-site provision or financial contributions towards existing or planned open space will be supported.