



**Department for Levelling Up,
Housing & Communities**

Mr Peter Atkin
Pegasus Group
10 Albemarle Street
London
W1S 4HH

Our ref: APP/J2210/W/20/3260611
Your ref: CA/17/01866

3 November 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY TAYLOR WIMPEY UK LTD
LAND TO THE WEST OF SWEECHBRIDGE ROAD, HILLBOROUGH, HERNE BAY,
KENT
APPLICATION REF: CA/17/01866**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry on 9-12 March continuing 16-18 March 2021 into your client's appeal against the decision of Canterbury City Council to refuse your client's application for full planning permission for 193 dwellings and associated development including highway works; and outline planning permission, with all matters reserved except access, for up to 707 dwellings, up to 31,500sqm of employment/ commercial floorspace, comprising employment units and an 80 bed care home, local shopping facilities, a community centre, land for a primary school, and associated development in accordance with application ref CA/17/01866, dated 7 August 2017.
2. On 4 January 2021, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, unless stated, and agrees with his recommendation. He has decided to allow the appeal and grant permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Having taken account of the Inspector's comments at IR5, the Secretary of State is satisfied that the Environmental Statement was correctly submitted under and complies with the above Regulations. Having also taken account of the Inspector's comments at IR5, he is further satisfied that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The proposal was amended prior to determination by the Local Planning Authority (LPA) and appropriately described as set out at IR3 and reproduced below at paragraph 45. Further, the planning application pre-dates the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and the references to use classes in the description of development are to those specified in the Town and Country Planning (Use Classes) Order prior to its amendment by the 2020 Regulations. The Secretary has considered the appeal on this basis.

Matters arising since the close of the inquiry

7. On 20 July 2021 the Secretary of State wrote to Natural England to request clarification on the information provided to the Inquiry in order to inform his Appropriate Assessment. The Secretary of State has considered the response received and his conclusions are set out below in paragraph 36. A copy of the response which is identified separately at Annex A may be obtained on request to the email address at the foot of the first page of this letter.
8. An updated National Planning Policy Framework ('the Framework') was published in July 2021, after the close of the Inquiry. Given that the provisions of the Framework relating to the main material considerations in this case have not changed, the Secretary of State is satisfied that the updated Framework does not affect his decision and does not warrant a referral back to the parties. However, for clarity, the Framework references within this letter have been amended from those in the IR to the revised Framework numbering where necessary.
9. Furthermore, a number of representations have been received post Inquiry and raise issues related to the main considerations listed below. The Secretary of State is satisfied that the issues raised do not affect his conclusions and decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations which have been received since the inquiry is also at Annex A and may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

10. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

11. In this case the development plan consists of the Canterbury District Local Plan (CDLP), adopted in 2017 and the Kent Minerals & Waste Local Plan 2013-30. The Secretary of State considers that relevant development plan policies include those set out at IR22-29.
12. Other material considerations which the Secretary of State has taken into account include the revised Framework and associated planning guidance ('the Guidance'), as well as Natural England advice on Nutrient Neutrality (Nov 2020) and the Kent Design Guide and the City Council Air Quality Action Plan as set out at IR30-31.

Main issues

Housing supply & Affordable Housing

13. The Secretary of State notes the local authority did not dispute that there was about five years' supply of housing land in the District and that Strategic site 3 forms part of Canterbury's overall housing land supply (IR171). The Secretary of State considers that the contribution of the development to housing supply attracts significant weight in its own right.
14. The Secretary of State notes that affordability is an issue in the District and that Policy HD2 includes an aspiration to achieve a level of 30% affordable on all sites of 11 or more dwellings outside the area of outstanding natural beauty (IR104). He has considered carefully the Inspector's analysis at IR104-111 and that the level of affordable housing now proposed is significantly lower than that envisaged in the CDLP and that previously offered by the Appellant (IR107) and that the most recent appraisal prepared by the Local Planning Authority takes account of the current level of costs associated with the appeal proposals. Overall, he agrees with the Inspector at IR108 that the provision of affordable housing at a level of 10% is justified in this case.
15. The Secretary of State agrees with the Inspector that the proposed split of 70% rental and 30% intermediate accommodation would be consistent with the Local Plan (IR109). He further agrees that whilst the Framework expects at least 10% of the housing within major developments to be available for affordable home ownership the local circumstances are considered to justify a deviation from national policy expectation (IR109).
16. Overall, the Secretary of State agrees with the Inspector at IR111 that, having regard to the viability of the development and the importance of the funding contributions which it would secure, the proposal would provide an appropriate amount of affordable housing, and would comply with Policy HD2. However, given that the level of affordable housing provision would be significantly less than the CDLP seeks, it is a factor which only merits limited weight in support of the scheme (IR111).

Open space

17. The Secretary of State has carefully considered the Inspector's reasoning at IR93-98. He notes at IR93 that the areas of open space identified on the green infrastructure plan would slightly exceed the amount sought in the Local Plan. For the reasons given at IR96-97, he agrees with the Inspector that limitations on direct access to the areas occupied by the basins would not detract from the utility of the semi-natural greenspace and that the inclusion of basin No 8 within the amenity greenspace does not materially detract from its utility.

18. Overall, the Secretary of State agrees with the Inspector that the proposed development would provide a sufficient amount and quality of open space in accordance with policy OS11 further considering it in accordance DBE3, and paragraph 92(c) of the Framework.

Character and Appearance

19. The Secretary of State agrees with the Inspector that the proposed development would result in a major change to the character of this area of predominantly open land. He further agrees with the Inspector that the principle of a major mixed-use development on this site has been established by its allocation as a strategic site in the CDLP and its loss attracts limited weight (all at IR99).

20. For the reasons given at IR100-103 the Secretary of State agrees with the Inspector that the scheme would be an attractive place to live and work and would be in keeping with its wider surroundings, as required by policy SP3 of the CDLP (R103). He further agrees that the proposal would make efficient use of land, taking into account the character of the surrounding area and the importance of securing well-designed and attractive places in accordance with paragraph 124 (d) and (e) of the Framework.

Loss of best and most versatile agricultural land

21. For the reasons given at IR162 and 170, the Secretary of State agrees with the Inspector that the conflict with policy EMP12, which seeks to protect the best and most versatile agricultural land, is clearly outweighed by the allocation of site 3, which includes the appeal site, for a mixed-use development (IR170) and furthermore considers its loss attracts limited weight.

Sustainable infrastructure

22. For the reasons given at IR112-114, the Secretary of State agrees with the Inspector that should an upgrade to the electricity network occur, a review mechanism in the planning agreement which would provide for further charging points to be provided is a proportionate response to the circumstances of the proposed development (IR114).

23. For the reasons given at IR115-116 the Secretary of State agrees that the Herne Relief Road (HRR) would reduce traffic flows through the settlement, with a consequent improvement in air quality, in line with Policy QL11. He further agrees that the range of measures to promote sustainable transport and the installation of low NOx boilers would also play a part in reducing emissions and improving air quality (IR115). He also agrees with the Inspector that the approach would be consistent with policy CC2 of the Local Plan which requires development to include proportionate measures to reduce carbon and greenhouse gas emissions (IR116), and that the approach to achieving carbon reductions does not conflict with policy CC3 (IR117).

24. Overall, the Secretary of State agrees with the Inspector's conclusion that the development would include appropriate sustainable infrastructure (IR118).

Transport

Traffic Assessments

25. The Secretary of State has considered the Inspector's assessment at IR119-122, noting the questions raised about the reliability of modelling for the Transport Assessment. He has taken into account that the higher traffic flows calculated using the Local Highway Authority's (LHA) preferred trip rates were used in the assessment (IR120). He notes that the approach to traffic generation and route assignment has been agreed with the LHA, that there is agreement the residual cumulative effects on the road network would

not be severe and furthermore, agrees with the Inspector that the modelling of the effect on the local highway network is sound (IR122).

Construction traffic

26. The Secretary of State has considered the Inspector's analysis at IR123-128. He accepts that the routing of construction traffic would be capable of control by way of condition which would require the approval and implementation of a Construction Environmental Management Plan (CEMP) for each phase of the development, given also a framework construction logistics plan sets out details of variations in routing as the development of the site progresses (IR123-124).
27. For the reasons set out in IR125-127 the Secretary of State agrees with the Inspector that the appeal proposal would not be an impediment to the development of either of the other parts of site 3 (IR127). Overall, he agrees with the Inspector at IR128 that construction vehicles travelling to and from the site would not have an unacceptable impact on highways safety or interfere with the free movement of traffic.

Internal arrangements

28. The Secretary of State notes that there is no policy requirement for an additional bridge to be provided at this strategic site (IR129). Therefore, and for the reasons given at IR129-131, he agrees with the Inspector that the proposals for the May Street bridge would not detract from connectivity within the site or from the surrounding area (IR131).

Sweechbridge Road

29. The Secretary of State has carefully considered the Inspector's analysis in IR132-139 and his view that there should be limited access to Sweechbridge Road in line with policy SP3 (IR132) and agrees that the proposal does not reflect this provision. He notes that alternatives of road widening and shuttle working with traffic signalling has been put forward (IR133). For the reasons given at IR134-136, he accepts the Inspector's reasoning that a suggested condition to secure improvement works so as to give preference to a widening option (of Sweechbridge Road) is the correct approach and agrees that whilst the limited delays and obstruction which could be caused by the shuttle signals would not have a severe impact, they would interfere with the free movement of traffic and hence cause some limited harm (IR136).

Traffic movement through Beltinge

30. The Secretary of State notes that bearing in mind the constraints of the local highway network, traffic without a local origin or destination would be unlikely to travel through Beltinge (IR137). He also agrees that the effect of traffic using proposed accesses on existing residential areas is a matter for consideration of the schemes of which they form a part (IR138) and there would be an increase in traffic movement through the junction [of Reculver Road and Mickleburge Hill by Blacksole Bridge] as consequence of the proposal (IR139). He however agrees the Inspector's conclusion that the appeal proposal itself would not materially alter the operation of the junction.

Other highway matters

31. For the reasons given at IR140 the Secretary of State agrees with the Inspector that the proposal would make provision for a footway and cycleway connection to Altira Business Park in line with the objectives of Policy SP3.
32. For the reasons given at IR141-2 the Secretary of State accepts the Inspector's reasoning that the HRR funding that has been secured would be fairly and reasonably related in scale and kind to the proposed development. He also agrees that the benefits

arising from the contribution to the provision of the HRR which would assist in alleviating congestion and improving air quality in Herne, and to the construction of a new westbound on-slip road to the A299 which would improve highway safety for all users of the junction with Heart in Hand Road (IR194), should attract significant weight.

33. The Secretary of State agrees with the Inspector's reasoning at IR143 that the absence of a planning permission for the Sturry Relief Road is not an impediment to implementation of the proposed development.
34. For the reasons given at IR144 the Secretary of State agrees the southwards continuation of Sweechbridge Road provides an alternative route between the appeal site and Canterbury and that the contribution towards the cost of signage in relation to maximum speeds and restrictions for heavy goods vehicles is necessary.

Economic benefits

35. The Secretary of State notes that while the amount of employment floorspace would be below the policy expectation, there would be employment opportunities within other parts of the overall development, including the primary school, shops and notably the care home (IR159). Overall, he considers that the economic benefits of the proposal attract moderate weight.

Sites of Nature Conservation Importance

36. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and as indicated at IR146 he is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. Those sites are identified as the Thanet Coast and Sandwich Bay Special Protection Area; Thanet Coast and Sandwich Bay Ramsar Site; Stodmarsh Special Protection Area; Stodmarsh Ramsar site and Stodmarsh Special Area of Conservation. The Secretary of State agrees with the assessment and findings in the Inspector's report, principally as set out at IR146-157. He further agrees that subject to mitigation involving the payment of a SAMM contribution the proposals would not damage the integrity and overall there would be no adverse effect on the integrity of the designated sites (IR165). As such, and having also clarified some of the Inquiry information with Natural England, he considers that the available information and assessment can be satisfactorily adopted as his own Appropriate Assessment. He further agrees that the proposals would comply with Policies SP6 and LB5 (IR165).

Consistency with the Development Plan

37. For the reasons given at IR158-170 the Secretary of State agrees with the Inspector's conclusions on consistency with the development plan, and that the proposal would comply with the development plan considered as a whole.

Planning obligations

38. The Secretary of State has had regard to the Inspector's analysis at IR183-186, the planning obligation dated 17th June 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended.
39. For the reasons given in IR183, he agrees with the Inspector that the obligations listed in the Extract from the table in part 1 of schedule 3 are unnecessary and do not meet the statutory tests in paragraph 122 of the CIL regulations or the policy tests in paragraph 56 of the Framework. In line with paragraph 3.8 of the planning obligation, those obligations

therefore fall away and are of no further effect. The Secretary of State also agrees with the Inspector's conclusion at IR186 in that other than these particular obligations concerning highway works, that the remaining obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework, and he has taken them into account in reaching his decision.

Planning conditions

40. The Secretary of State has carefully considered the Inspector's analysis of the imposition of conditions at IR187-192 and agrees with the Inspector that in several instances there is overlap between the provisions of obligations and possible conditions (IR183). In line with the Planning Guidance, he also agrees that where the same objective can be met by imposing a condition or by a planning obligation, the former should be used (also IR183). Furthermore, and for the reason given at IR188, he also agrees that the suggested condition relating to the Thanet Way on-slip works is unnecessary.
41. Overall, the Secretary of State is satisfied that the conditions recommended by the Inspector, which remove the Thanet Way on-slip works condition, comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex A should form part of his decision.

Planning balance and overall conclusion

42. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
43. The appeal site would result in the loss of the open landscape and the best and most versatile agricultural land which lies within it. If the shuttle scheme were implemented on Sweechbridge Road this would interfere to a degree with the free movement of traffic. The Secretary of State considers these factors each carry limited weight against the proposal.
44. The Secretary of State considers that the delivery of homes carries significant weight, the highway improvements and contribution to the Herne Relief Road attract significant weight, and the combined economic benefits attract moderate weight. The affordable housing provision carries limited weight in favour of the scheme.
45. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a grant of permission. The Secretary of State therefore concludes that the appeal should be allowed and planning permission granted, subject to conditions.

Formal decision

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission subject to the conditions set out in Annex B of this decision letter for a mixed use development including up to 900 dwellings comprising: detailed proposals for the erection of 193 new dwellings; one local equipped area of play; a new vehicular access (via a priority junction) onto Sweechbridge Road (north); an upgraded alignment of May Street; associated internal roads, footpaths and cycleways; a sustainable drainage system; earthworks; public open space landscaping (including woodland); and street

lighting; and outline proposals for up to 707 additional dwellings with all matters reserved except access (excluding internal circulation); up to 31,500m² of employment/ commercial floorspace with associated parking spaces comprising employment units (within use class B1(a), B1(c), B2 & B8) (27,000m²), and an 80 bed care home (use class C2) (4,500m²); local shopping facilities, including a convenience store (use class A1) (up to 500m²) and three retail units (use class A1/A2/A3 or A5) (up to 300m²); a new community centre (including changing rooms (use class D1) (up to 550m²) with associated car parking; land for a two form entry primary school with associated parking, drop-off/ pick-up provision and open space; new public open space including one local equipped area of play, allotments and two playing pitches; landscaping; ecological mitigation; a sustainable drainage system; earthworks, including a new landscaped bund alongside Thanet Way (A229); provision of a realigned vehicular access to Sweechbridge Road (south); a new west-bound on-slip to, and modified west-bound off-slip from, the A229 Thanet Way at Heart in Hand Road; improvement works to the existing May Street road network, including enabling work within the public highway over May Street bridge to provide a southbound vehicular access and the necessary services and utilities infrastructure; and associated internal roads, footpaths and cycleways to facilitate movement within the site, including access to Altira Business Park and to the land to the west (Site 3 allocation), in accordance with application ref CA/17/01866, dated 7 August 2017, as amended as set out in IR3.

47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

48. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
49. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
50. A copy of this letter has been sent to Canterbury City Council and Beltinge Village Action Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

MA Hale

Mike Hale

This decision was made by the Minister of State for Housing on behalf of the Secretary of State, and signed on his behalf

Annex A

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
K McCrone	29/01/2021
A Hodges	14/03/2021
M Searle	19/02/2021
N Durrant	21/03/2021
Rt Hon Sir Roger Gale MP	24/09/2021
Mr K Rice	11/10/2021

Consultation on Habitats Regulations Assessment

Party	Date
Natural England	10/08/2021

Annex B - CONDITIONS

Conditions relating to the full planning permission (phase 1)

- 1) The development hereby permitted identified within the 'Phase 1 Application Boundary' (the full application boundary) on Phase 1 Site Location Plan drawing ref LON.0709_13 Rev R shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted identified within the 'Phase 1 Application Boundary' (the full application boundary) on Phase 1 Site Location Plan drawing ref LON.0709_13 Rev R shall be carried out in accordance with the plans and documents listed in schedule 2.
- 3) No development within phase 1 (as shown on the indicative phasing plan ref LON.0242_37 Rev J) of the development hereby permitted shall commence until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall be consistent with the approved surface water drainage strategy approved under condition No 56, and shall demonstrate that the surface water from the developed site (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated without an increase to flood risk on or off-site. The drainage scheme shall also include:
 - i) The condition of culverts downstream of the phase where any additional outfall to these assets is proposed.
 - ii) Arrangements for the management of silt and pollutants to ensure that there is no pollution risk to receiving waters.
 - iii) A timetable for implementation of the scheme.
 - iv) A management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout the lifetime of the development.

The approved surface water drainage system shall be implemented and thereafter managed and maintained in accordance with the approved scheme and timetable.
- 4) The tree retention and tree protection measures for phase 1 of the development hereby permitted shall be carried out in accordance with the submitted Biodiversity Method Statement ref CSA/2318/16 June 2018 and plan ref 9002/02 Revision A.
- 5) None of the dwellings in phase 1 shall be occupied until a timetable for implementation of ecological mitigation and management measures, including the ongoing maintenance and monitoring schedules for habitats within the site, has been submitted to and approved in writing by the local planning authority. The mitigation and management measures shall be carried out in accordance with the submitted Ecological Design Strategy ref CSA/2318/17 June 2018, the Biodiversity Method Statement ref CSA/2318/16 June 2018, the Phase 1 Landscape and Ecological Management Plan ref LON.0709_31 and the Landscape and Habitats Plan ref LON.0242_54 and the approved timetable, and shall thereafter be retained.
- 6) None of the dwellings in phase 1 shall be occupied until a timetable for implementation of a lighting strategy, has been submitted to and approved in writing by the local planning authority. Lighting for phase 1 of the development shall be installed in accordance with the submitted Street Lighting Strategy ref T306/40 Revision H and the approved timetable, and shall thereafter be retained.
- 7) Prior to the occupation of 80% of the dwellings within phase 1 of the development hereby permitted, the public open space landscape works, including the provision of open spaces, hard and soft landscaping works, street furniture, provision of play equipment and

surface regrading, shall be carried out fully in accordance with the submitted proposals on drawing ref LON.0709_11 Rev B.

Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 8) The proposed soft landscaping planting for each dwelling within phase 1 shall be carried out in accordance with the following on-plot planting plan drawings prior to the occupation of the dwelling to which they relate:

LON.0709_10 Rev D Sheet 1

LON.0709_10 Rev D Sheet 2

LON.0709_10 Rev D Sheet 3

LON.0709_10 Rev D Sheet 4.

- 9) The landscape management for phase 1 of the development hereby permitted, including the ongoing maintenance requirements of all areas of public open space, play areas, attenuation basins and woodland, shall be carried out in accordance with the Landscape and Ecological Management Plan ref LON.0709_31 June 2018.
- 10) Prior to the first occupation of any dwelling within phase 1 of the development hereby approved, the northern site access from Sweechbridge Road shall be constructed to an adoptable standard in accordance with drawing ITB8344-SK-36 REV D and made available for public use.
- 11) Prior to the occupation of 100 dwellings within phase 1 of the development hereby approved, highway works to Sweechbridge Road shall be carried out and made available for public use in accordance with a scheme which has been submitted to the local planning authority prior to the occupation of 50 dwellings in phase 1, and approved in writing by the local planning authority. The scheme shall involve either:
- i) The widening of Sweechbridge Road to allow two-way working for the entirety of the section of public highway between the northern site access and the Sweechbridge Road bridge without the use of signalised shuttle working, or
 - ii) The Sweechbridge Road signalised shuttle working scheme as indicatively shown on drawing ITB8344-SK-039 Rev E.

Should the scheme submitted involve signalised shuttle working, it must have been agreed by the local planning authority, prior to the occupation of 50 dwellings, that the widening option cannot be achieved.

- 12) Prior to the first occupation of each of the dwellings within phase 1 of the development hereby permitted, the area shown on the approved drawing LON.0709_19-01 Rev B for the parking and manoeuvring of vehicles to serve that dwelling shall be laid out and thereafter kept available for the parking and manoeuvring of vehicles.
- 13) Prior to the first occupation of each of the dwellings within phase 1 of the development hereby permitted, cycle parking facilities to serve that dwelling shall be provided in accordance with details which have been submitted to, and approved in writing by, the local planning authority.
- 14) Prior to the first occupation of each of the dwellings within Phase 1 of the development hereby approved, the following works shall be completed between the dwelling and the public highway in accordance with drawing LON.0709_01 REV AB:
- i) Footways and/or footpaths, with the exception of the wearing course.
 - ii) Carriageways, with the exception of the wearing course, including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and any highway structures.

The wearing course of the highway shall be completed prior to the occupation of the 190th dwelling within the phase.

- 15) The visitor parking provision within phase 1 shall be fully provided in accordance with drawing LON.0709_01 REV AB prior to the occupation of 90% of the dwellings within the phase. The visitor parking provision shall thereafter be maintained and kept available for the parking of vehicles of visitors to the development.
- 16) The bin collection points shown on the refuse strategy layout ref LON.0709_14 revision R shall be provided before the first occupation of the dwellings which they serve. They shall thereafter be retained and kept available for the purpose of refuse collection.
- 17) The external surfaces of buildings in phase 1 shall not be constructed until details of a schedule of materials to be used in their construction have been made available to and approved in writing by the local planning authority. The development of the phase shall be carried out using the approved materials.
- 18) The external surfaces of buildings in phase 1 shall not be constructed until a 1m² sample of brickwork to show coursing, depth, profile, brick bond, the details of mortar mix and type and style of pointing, has been built on the site and approved in writing by the local planning authority. The development shall be carried in accordance with the approved brickwork sample.
- 19) No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation fronting a highway, with the exception of terraced dwellings.
- 20) None of the dwellings in phase 1 shall be constructed until details of the renewable technology measures to be used in their construction have been submitted to and approved in writing by the local planning authority. The measures shall include the use of photo-voltaic panels for each dwelling, unless it is demonstrated that they will not be appropriate for identified dwellings due to their specific circumstances, in which case alternative forms of renewable technology, to result in an equivalent or greater reduction of carbon emissions, shall be used. The construction of each dwelling within the phase shall be carried out in accordance with the approved measures.

Conditions relating to the outline planning permission (phases 2 & 4)

- 21) Approval of the details of the layout, scale and appearance of the development, the access within the site and the landscaping of the site (hereinafter called the 'reserved matters') on land within the 'outline planning application boundary' (the outline application boundary) on drawing ref LON.0242_24-04 Rev A shall be obtained from the local planning authority in writing before any development of those phases is commenced.
- 22) The first application for approval of reserved matters for the development hereby approved shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 23) The final application for the approval of reserved matters for the final phase of the development (in accordance with the phasing plan approved under condition 50) shall be submitted to the local planning authority no later than 10 years from the date of this permission.
- 24) Each phase of development hereby permitted on land identified within the outline application boundary on site boundaries drawing ref LON.0242_24-04 Rev A shall be begun before the expiration of 2 years from the date of approval of the final reserved matters to be approved for that phase.
- 25) The development hereby permitted shall be carried out in accordance with the following plans, in respect of those matters not reserved for later approval:

Site location plan LON.0242_24 Rev P

Site location plan (Sweechbridge access south) ITB8344-SK-051

Sweechbridge Road / Heart in Hand Road Roundabout ITB8344-SK-020
Plan 4 Rev C A299 Thanet Way Junction Improvements ITB8344-SK-017
Plan 1 Rev B A299 Thanet Way Junction Improvements ITB8344-SK-037
Parameter Plan: Land Use & Building Height LON.0242_34 Rev P
Parameter Plan: Access and Movement LON.0242_36 Rev L
Parameter Plan: Green Infrastructure LON.0242_35 Rev L
Schedule of TROs T306/41 Rev D

- 26) The development hereby approved (excluding phase 1) shall comprise:
- A maximum of 707 dwellings
 - No less than 27,000m² of floorspace falling within Use Classes B1(a), B1(c), B2 and B8 with associated parking spaces
 - No more than 4,500m² of floorspace comprising up to 80 bedrooms falling within Use Class C2 with associated parking spaces
 - Three units each of up to 300m² of floorspace falling within Use Classes A1, A2, A3 or A5; and one of no more than 500m² of floorspace falling within Use Class A1
 - No less than 550m² of floorspace within Use Class D1
 - No less than 2.05ha of land for a primary school including 1.02ha of playing fields
- 27) The details submitted pursuant to condition No 21 shall show the building dimensions not exceeding those included within the approved building heights parameter plan (drawing number LON.0242_34 Rev P). The residential building heights shall predominantly be a maximum of two-storeys, unless justification is provided for the greater height proposed up to the maximum height included on the approved building heights parameter plan.
- 28) The reserved matters submissions shall be substantially in accordance with:
- Masterplan LON.0242_55 Rev W
 - Landscape masterplan LON.0242_39 Rev F
 - Green infrastructure plan LON.0242_53 Rev C
 - Access strategy T306/17 Rev.
- 29) The reserved matters for any phase of development shall be prepared in accordance with a design code for that phase which has been submitted to and approved in writing by the local planning authority. The design code shall be prepared in accordance with the principles and parameters established by the Design and Access Statement and Design Code June 2018, the masterplan LON.0242_55 Rev W and the Open Space Strategy approved under condition 15 and shall include:
- i) Character, mix of uses, heights, structure of public spaces, density and typologies including primary frontages and pedestrian access points.
 - ii) The proposed movement network including the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to development layout, treatment of non-vehicular routes and car and cycle parking.
 - iii) Street cross sections including tree planting, species, underground utility trenches and on-street parking.
 - iv) Key groupings and other key buildings (height, scale, form, enclosure, materials and design).
 - v) External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.
 - vi) The proposed layout, use and function of all open space.

- vii) The design approach for areas within the public realm including landscaping, structural planting and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.
 - viii) Details of any public art.
 - ix) The design principles for the incorporation of a sustainable urban drainage system.
 - x) The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the site with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter.
 - xi) Servicing, including utilities, design for the storage and collection of waste and recyclable materials.
 - xii) The design principles that will be applied to encourage security and community safety.
- 30) Each reserved matters application shall be accompanied, as appropriate, by the following information:
- i) A design statement that demonstrates how the proposals accord with the approved parameter plans and design code and in the case of any variation explains the reason for that change and the nature of the change.
 - ii) Details of measures to minimise opportunities for crime.
 - iii) In relation to the matter of access: details (including specifications) of the access to that phase, and within the phase for vehicles, cycles and pedestrians (including Access for All standards).
 - iv) Details of the market and affordable housing mix, including the location of affordable housing, which shall meet the local housing needs in accordance with the Canterbury District Local Plan and be provided proportionally throughout the site.
 - v) Measures that demonstrate how the phase will positively contribute to the objectives of the sustainability strategy.
 - vi) Measures that demonstrate how the phase will meet garden city principles as set out in the Canterbury District Local Plan.
 - vii) Measures that demonstrate how the phase will accord with the open space strategy approved under condition No 34.
- 31) In relation to the matter of layout the reserved matters shall include:
- i) Details of the siting and orientation of the proposed buildings and any relevant roads, as well as the location of any landscaped or open space areas.
 - ii) Details of any necessary temporary layout associated with boundary treatment and condition between the phases or construction routes through the site.
 - iii) Details of parking areas for all uses to be in accordance with the standards set out in Policy T9 and Appendix 4 of the Canterbury District Local Plan, servicing areas, and plant areas.
 - iv) Details of cycle parking for all uses to be in accordance with the standards set out in the Kent Design Guide Interim Guidance Note 3.
 - v) Details of any public rights of way affected by the proposal.
 - vi) Details and specification (including cross sections if necessary) of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels.
 - vii) Details of refuse storage, including for recyclable material, and point of collection, for all residential and commercial buildings.
 - viii) The width and configuration of proposed carriageway layouts including any footways and verges.

- ix) The width and configuration of footpaths and cycleways.
 - x) The layout and configuration of junctions and roundabouts within the site.
 - xi) The layout of street lighting.
 - xii) The layout and configuration of surface water sewers, drains and outfalls serving the highway.
 - xiii) The layout and configuration of retaining walls and highway supporting structures.
 - xiv) The layout of service routes and corridors within highways.
 - xv) Identification of any vehicle overhang margins, embankments, visibility splays, property accesses, carriageway gradients, driveway gradients, car parking and street furniture.
 - xvi) Details of the proposed vehicular and pedestrian access points to surrounding development.
 - xvii) Details of refuse vehicle tracking.
- 32) In relation to scale and appearance the reserved matters shall include:
- i) Details of building heights and massing.
 - ii) Details of the internal layout of buildings with amount of internal floorspace.
 - iii) Details of the external treatment and design of the buildings.
 - iv) Details of finished floor levels.
- 33) In relation to the matter of landscaping the reserved matters shall include:
- i) Plans, drawings, sections, and specifications to explain full details of the hard and soft landscaping treatment and works including materials (size, type and colour), proposed drainage arrangements, children's play equipment, street furniture, lighting columns/brackets, private and communal areas, open spaces, edges, boundary treatments, public rights of way and roads in accordance with the open space strategy.
 - ii) Tree planting details and specification of all planting in hard and soft landscaped areas.
 - iii) Details of the programme for implementing the planting.
- 34) No occupation within a phase as approved under condition 50 (excluding phase 1) shall commence until an open space strategy for that phase has been submitted to and approved in writing by the local planning authority. The open space strategy for that phase shall be broadly in accordance with the masterplan LON.0242_ 55 Rev W and shall:
- i) Identify the approximate location of the main areas of formal and informal open space to be provided and set out a programme for its delivery.
 - ii) Outline the local play space and the distribution of play areas within the development and set out a proposed sequence for their delivery.
 - iii) Set out a proposed programme for delivery of the area of allotments within the site, if included within that phase, and proposals for future management of the allotment area.
- The development and delivery of open spaces shall be carried out in accordance with the approved open space strategy.
- 35) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until a landscape and open space management plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall provide for:
- i) A description and evaluation of features to be managed.

- ii) A detailed specification for any equipped play area.
- iii) The aims and objectives of management and maintenance.
- iv) Management responsibilities and prescriptions, and maintenance schedules for achieving those aims and objectives.
- v) Details of the organisation responsible for implementation of the landscape and open space management plan.

The development shall be carried out in accordance with the approved details. The public open spaces shall be laid out and implemented in accordance with the programmes approved under condition 34, and shall be retained thereafter in accordance with the landscape and open space management plan and used for public amenity purposes only.

- 36) No development shall take place within any phase as approved under condition No 50 (excluding phase 1) as shown on the indicative phasing plan ref LON.0242_37 Rev J until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme for each phase shall be in accordance with the site-wide surface water drainage strategy approved under condition 56, and shall include:
- i) The location, design and capacity of proposed sustainable drainage systems within the phase.
 - ii) A timetable for implementation of the scheme.
 - iii) A management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the surface water drainage system throughout the lifetime of the development.

Within each phase of development, the surface water drainage system shall be implemented and thereafter managed and maintained in accordance with the approved scheme and timetable.

- 37) No site clearance, preparatory work or development shall take place within any phase as approved under condition 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until a tree survey report has been submitted to, and approved in writing by, the local planning authority. The report shall contain a schedule and plan(s) showing the position of every tree and hedgerow on the land within that phase and on adjacent land that could influence or be affected by the development, indicating which trees and hedgerows are to be removed and which trees are to be retained.
- 38) No site clearance, preparatory work or development shall take place within any phase approved under condition No 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until a biodiversity method statement for that phase has been submitted to, and approved in writing by, the local planning authority. The statement shall be prepared in accordance with the Biodiversity Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/05 of June 2017, and the Biodiversity Method Statement for Land at Hillborough by CSA Environmental ref CSA/2318/16 of June 2018, and shall include:
- i) The purpose and objectives for the proposed works.
 - ii) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated ecological surveys where necessary.
 - iii) The extent and location of proposed works, including the identification of suitable receptor sites.
 - iv) A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.

- v) Details of the persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works.
- vi) The use of protective fences, exclusion barriers and warning signs.
- vii) Initial aftercare and long-term maintenance, where relevant.
- viii) Disposal of any wastes arising from works, where relevant.

The development shall be carried out in accordance with the approved biodiversity method statement and timetable, and the approved measures shall be retained thereafter.

- 39) No site clearance, preparatory work or development shall take place within any phase as approved under condition No 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until an ecological design strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy shall identify ecological enhancements within the phase and shall be prepared in accordance with the Biodiversity Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/05 of June 2017, and the Ecological Design Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/17 of June 2018, and shall include:

- i) The purpose and conservation objectives for the proposed works.
- ii) A review of site potential and constraints.
- iii) Detailed design(s) and/or working method(s) to achieve the stated objectives.
- iv) The extent and location of the proposed works.
- v) The type and source of materials to be used.
- vi) A timetable for implementation, demonstrating that works are aligned with the phasing of development.
- vii) Details of the persons responsible for implementing the works.
- viii) Details of initial aftercare and long-term maintenance.
- ix) Details for monitoring and remedial measures.
- x) Details for disposal of any wastes arising from works, where relevant.

The development shall be carried out in accordance with the approved ecological design strategy and timetable, and the approved measures shall be retained thereafter.

- 40) Prior to the occupation of any development within a phase as approved under condition 50 (excluding phase 1) a landscape and ecological management plan (LEMP) for the phase shall be submitted to and be approved in writing by the local planning authority. The content of the LEMP shall include the following:

- i) A description and evaluation of features to be managed.
- ii) Ecological trends and constraints on site which would influence management.
- iii) The aims and objectives of management.
- iv) Options for achieving aims and objectives in (iii) including a sensitive lighting strategy.
- v) Prescriptions for management actions.
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii) Details of the organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the

results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved LEMP.

- 41) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until a lighting strategy for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall be substantially in accordance with the Biodiversity Strategy ref CSA/2318/05 June 2017 and shall:
- i) Take into account measures described in the construction environmental management plan.
 - ii) Identify those features on site that are particularly sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory.
 - iii) Identify principles of how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
 - iv) A timetable for implementation.

All external lighting within the phase shall be installed in accordance with the approved strategy and retained thereafter.

- 42) Prior to the occupation of any of the development hereby approved located to the south of the railway line, or the completion of works to May Street bridge in accordance with condition 43 and its opening for public use, whichever is the sooner, the southern site access from Sweechbridge Road shall be constructed to an adoptable standard in accordance with drawing ITB8344-SK-20 Rev C and made available for public use.
- 43) The works to May Street bridge as indicatively shown on drawing T306/71 Rev B, along with a connection to the southern site access shown in drawing ITB8344-SK-20 Rev C, shall be carried out to an adoptable standard and made available for public use prior to the occupation of the 300th dwelling within the development hereby permitted.
- 44) No reserved matters application for development south of the railway shall be submitted until details of the vehicular link from May Street to The Boulevard, together with the proposed measures to restrict access for heavy goods vehicles, have been submitted to and approved in writing by the local planning authority. The approved vehicular link shall be provided in accordance with the approved details to an adoptable standard and made available for public use prior to the occupation of the 125th dwelling south of the railway line.
- 45) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until details of the locations of any bus stops within the phase have been submitted to and approved by the local planning authority. The details shall demonstrate that the bus stops will be sited to ensure no dwelling is more than a 400m walking distance from a bus stop. The bus stops shall be provided within the phase prior to the occupation of 80% of the dwellings within the phase.
- 46) The development of each phase (excluding phase 1) shall be carried out in accordance with an energy strategy which has been submitted with the reserved matters application, and approved in writing by the local planning authority. The energy strategy shall be prepared with regard to the principles contained within the Sustainability Statement dated June 2017, and it shall include details of the overarching strategy for energy and heat delivery to the phase, measures to minimise the demand for energy, energy efficiency measures and the use of renewable energy.

- 47) Each non-residential element of the development shall be implemented in accordance with details concerning BREEAM certification which have been submitted with a reserved matters application and approved in writing by the local planning authority. The details shall include evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available,) indicating that the non-residential elements of the development can achieve a minimum final BREEAM level of 'very good' and providing evidence if an 'excellent' rating cannot be achieved.
- 48) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until the details and location of the refuse storage and collection points has been submitted to and approved by the local planning authority. No dwelling shall be first occupied until the refuse storage and collection points to serve the dwelling have been provided. The communal refuse collection areas shall thereafter be retained and kept available for the purposes of refuse collection.
- 49) The care home hereby permitted shall be used solely as a care/ nursing home to be occupied by individuals (and carers/ partners) who require constant supervision and assistance, or individuals referred to residential nursing care for medical reasons, and for no other purpose including any other purpose in Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (as amended), or in any provision equivalent to that use class in any statutory instrument revoking and re-enacting that Order.

Conditions relating to both the full and outline planning permissions

- 50) No development shall take place until a phasing plan, which shall be broadly in accordance with the indicative phasing plan ref LON.0242_37 Rev J, has been submitted to and approved in writing by the local planning authority. The phasing plan shall include justification for the proposed phases, the timescale for the delivery of the development, and the order of the delivery of the proposed phases. The development shall be carried out in accordance with the approved phasing plan.
- All reserved matters submissions shall accord with the phasing plan as approved by the local planning authority. Any references to a phase of the development within this permission shall be taken to be a reference to phases as identified on the approved phasing plan submitted under this condition.
- 51) The development hereby permitted shall include no less than 18.51ha of open space (excluding 1.02ha of school playing fields) comprising a minimum of:
- i) 0.66ha of parks and gardens.
 - ii) 2.87ha of green corridors.
 - iii) 3.03ha of amenity open space.
 - iv) 0.69ha of play areas.
 - v) 2.04ha of space for outdoor space, comprising two playing pitches.
 - vi) 8.86ha of semi-natural space.
 - vii) 0.36ha of allotments.
- 52) No development shall take place within any phase, as approved under condition No 50, until a programme of archaeological investigation has been undertaken in accordance with a scheme which has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for the programme of investigation and arrangements for post-excavation assessment, analysis, publication and archiving.
- 53) No development shall take place within any phase, as approved under condition No 50, until a scheme to deal with the risks associated with contamination has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:

- i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation programme, based on (i), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- v) A timetable for implementation of the works involved in parts (i)-(iv) of this condition.

The development shall be carried out in accordance with the approved scheme and timetable.

- 54) Where the production of a verification plan is required in accordance with condition 53, no development within the relevant phase shall be occupied until the verification report demonstrating completion of the works set out in the approved remediation strategy has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 55) If, during the course of construction of the approved development, contamination not previously identified on the site is found to be present the occurrence shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended. A risk assessment shall be carried out and submitted for the written approval of the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted for the written approval of the local planning authority. No development or relevant phase of development shall be resumed or continued until the risk assessment and, if required, remediation and verification schemes have been approved by the local planning authority and the schemes carried out in full accordance with the approved details.
- 56) No development shall take place within any phase as approved under condition No 50, until a site-wide surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The strategy shall include:
 - i) Methods to manage surface water run-off up to the 1:100 year event plus climate change, so as not to exceed run-off from the undeveloped site following the corresponding rainfall event.
 - ii) Methods to delay and control the surface water discharged from the site in order to mitigate the risk of surface water flooding on the site, avoid increasing flood risk downstream, and prevent pollution of the receiving groundwater and/or surface waters.

iii) A management and maintenance plan, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout the lifetime of the development.

iv) A timetable for implementation.

The development shall be carried out in accordance with the approved strategy and timetable.

- 57) No development shall take place within any phase as approved under Condition No 50, until a site-wide foul water drainage strategy has been submitted to, and approved in writing by, the local planning authority. The foul water drainage strategy shall not propose any link to May Street Waste Water Treatment Works via the Kings Hall Water Pumping Station or Kings Hall Rising Main. None of the development in a phase shall be occupied until the foul water drainage strategy has been implemented in that phase.
- 58) No development shall take place within any phase as approved under Condition No 50, until a detailed foul water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme for each phase shall be in accordance with the site-wide foul water drainage strategy approved under condition 57. None of the development in a phase shall be occupied until the foul water drainage scheme has been implemented in that phase.
- 59) No development shall take place within any phase as approved under condition No 50, until details of measures to protect any public foul sewer within that phase, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved measures and timetable.
- 60) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 61) No development shall take place within any phase as approved under condition No 50, until a construction environmental management plan (CEMP) for that phase has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include:
- i) The management and routing of construction traffic including: the location of access points for site traffic, routes within the site to be kept free of obstruction, details of the routing of construction traffic to other parts of strategic site 3, parking arrangements for construction vehicles and vehicles of site operatives and visitors, directional signage on and off-site, measures to control the use of May Street bridge for construction vehicles, and arrangements for heavy goods vehicles leaving the site to access the A299 by the eastbound on-slip road at the junction with Heart in Hand Road/ Sweechbridge Road until improvements to the westbound on-slip road have been made.
 - ii) A travel plan for construction workers.
 - iii) Wheel washing measures.
 - iv) Arrangements for the loading and unloading of plant and materials.
 - v) The location and size of site compounds and areas for storage of plant and materials.
 - vi) The location and form of temporary buildings and temporary lighting, and details of the erection and maintenance of security hoardings.
 - vii) Arrangements for the safe storage of any fuels, oils and lubricants.
 - viii) A scheme to control surface water run-off, prevent surface water discharges onto the highway, prevent pollution, and manage flood risk.
 - ix) A scheme for recycling and the disposal of waste resulting from construction works.

- x) A scheme for the handling and storage of topsoil.
- xi) Measures, including the construction of exclusion zones, to prevent soil compaction in large scale planting areas, and measures to remediate soil compaction.
- xii) Details of measures to protect trees and hedgerows.
- xiii) A scheme for the protection of areas of ecological interest and mitigation of any harm to such areas, including timing of works and precautionary work practices.
- xiv) Measures to control the emission of dust and dirt during construction.
- xv) Measures for the control of noise and vibration during construction, including delivery and construction working hours.
- xvi) Details of temporary pedestrian and cycle routes within the site.
- xvii) Procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison.

The development shall be carried out in accordance with the approved CEMP throughout the construction period of the phase.

- 62) Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with British Standard BS 5837:2012 using the following protective fence specification. Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree. These tree protection measures shall remain in place throughout the period of construction.

The development shall also comply with the following measures throughout the period of construction:

- i) The protective fencing shall be erected before the works hereby approved or any site clearance work commences and shall thereafter be maintained until the development has been completed.
 - ii) At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.
 - iii) Nothing shall be attached or fixed to any part of a retained tree and it shall not be used as an anchor point.
 - iv) There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.
 - v) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the protective fenced area.
 - vi) Ground levels within the protective fenced area shall not be raised or lowered in relation to the existing ground level.
 - vii) No trenches for underground services shall be commenced within the protective fenced area or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority.
- 63) Within each phase of development as approved under condition 50 (including phase 1), if any trees or hedgerows identified for retention are cut down, uprooted or destroyed or die within 5 years of the completion of development of that phase, the tree/hedgerow shall be replaced by a tree/hedgerow of a similar type and species in the next planting season after the damage or loss.

- 64) No development shall take place within any phase as approved under condition No 50 until a noise mitigation scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The noise mitigation scheme shall provide details of proposed measures to mitigate the effect of road and railway traffic noise on the residents of the new dwellings and plant noise from retail and employment units on the residents of nearby existing and proposed housing. The measures shall include, as appropriate, a noise barrier adjacent to the A299, the siting and design of buildings, noise insulation, specification of glazing performance requirements, window sizes and means of ventilation. The approved mitigation measures shall be implemented before the first occupation of any building in that phase.
- 65) The May Street walking/cycling link as shown on drawings T/306/74 Rev F and T/306/40 Rev H, including the provision of a bollard or similar vehicle restriction measure, shall be implemented in full to an adoptable standard and made available for public use prior to any occupation within the development hereby permitted.
- 66) Prior to the occupation of the 100th dwelling within the development hereby permitted, details of the location of the proposed construction access to be provided through the application site from Sweechbridge Road to the land included within planning application 19/00557 shall have been submitted to and approved in writing by the local planning authority. The construction access shall be provided at any boundary between the sites until the primary school is open, thereafter the construction route must not run adjacent to the primary school land.
- The construction access shall be provided in accordance with the approved details prior to the occupation of the 193rd dwelling, or 24 months from the commencement of the development hereby permitted, whichever is sooner.
- 67) Prior to the occupation of the 450th dwelling within the site north of the railway line or the occupation of the first dwelling south of the railway line or the opening of the primary school within the site, whichever is the soonest, a minimum of one vehicular link from the application site to the adjoining land included within planning application CA/19/00557 shall be constructed to an adoptable standard and made available and retained for public use.
- 68) Prior to the occupation of 50 dwellings within the site, the temporary surface for the proposed on-site Bogshole Lane walking/cycling improvement scheme shown on drawing ITL8344 Figure 1.1 shall be provided and made publicly accessible. The full surface of the on and off site works scheme shown on drawing ITL8344 Figure 1.3 shall be provided to an adoptable standard prior to the occupation of 450 dwellings or the opening of the primary school within the site, whichever is the sooner.
- 69) Prior to the first occupation of any of the development hereby approved, a travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall be prepared in accordance with the principles and parameters established by the Interim Framework Travel Plan ref NM/JN/ITL8344-010f R July 2017 and shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes. The travel plan shall include details of required outcomes, modal share targets, measures to ensure the modal share targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.
- 70) No dwellings within a phase as approved under condition 50 (including phase 1) shall be erected until details of 20% of new homes meeting the accessibility and adaptable dwellings Regulation M4(2) of the Building Regulations (as amended) have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

- 71) No development within a phase as approved under condition 50 (including phase 1) shall be first occupied until details for the installation of fixed telecommunication infrastructure and high speed broadband for that phase have been submitted to and approved in writing by the local planning authority. Details shall include connections to multi-point destinations and all buildings. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process. High speed fibre optic broadband shall be installed into the buildings before they are occupied.



Report to the Secretary of State for Housing, Communities and Local Government

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Date 21 June 2021

TOWN AND COUNTRY PLANNING ACT 1990

CANTERBURY CITY COUNCIL

APPEAL BY

TAYLOR WIMPEY UK LTD

Inquiry opened on 9 March 2021

Land to the west of Sweechbridge Road, Hillborough, Herne Bay

Appeal Ref: APP/J2210/W/20/3260611

File Ref: APP/J2210/W/20/3260611

Land to the west of Sweechbridge Road, Hillborough, Herne Bay, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
- The appeal is made by Taylor Wimpey UK Ltd against the decision of Canterbury City Council.
- The application Ref CA/17/01866, dated 7 August 2017, was refused by notice dated 4 September 2020.
- The proposal seeks full planning permission for 193 dwellings and associated development including highway works; and outline planning permission, with all matters reserved except access, for up to 707 dwellings, up to 31,500sqm of employment/ commercial floorspace, comprising employment units and an 80 bed care home, local shopping facilities, a community centre, land for a primary school, and associated development.
- The inquiry sat for seven days: 9-12 & 16-18 March 2021.
- Site visits took place on 26 March & 16 April 2021.

Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.

Procedural Matters

1. The appeal was recovered for a decision by the Secretary of State by a direction dated 4 January 2021, as it involves proposals for residential development of over 150 units or on sites of over 5ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed, and inclusive communities.
2. The proposal is in hybrid form, with full planning permission sought for housing and associated development, predominantly in the north-east part of the site, and outline planning permission sought for the remainder of the scheme¹. When the planning application was submitted, it involved detailed proposals for the erection of 194 dwellings and associated development including highway works; and outline proposals for up to 761 dwellings, up to 33,000m² of employment/ commercial floorspace, including employment units, an 80 bed care home and a day nursery or soft play/ gym facility; local shopping facilities; a community centre; a two-form entry primary school; and associated development.
3. The proposal was amended prior to determination of the application by the Local Planning Authority (LPA), and, having regard to the decision notice which relates to the amended scheme, and discussion at the case management conference and the inquiry, the development is appropriately described as:

A mixed use development including up to 900 dwellings comprising: detailed proposals for the erection of 193 new dwellings; one local equipped area of play; a new vehicular access (via a priority junction) onto Sweechbridge Road (north); an upgraded alignment of May Street; associated internal roads, footpaths and cycleways; a sustainable drainage system; earthworks; public open space landscaping (including woodland); and street lighting; and outline proposals for up to 707 additional dwellings with all matters reserved except access (excluding internal circulation); up to 31,500m² of employment/ commercial floorspace with associated parking spaces comprising employment units (within use class B1(a),

¹ The plan at CD2.6 shows the extent of those parts of the appeal site for which full and outline planning permission is sought.

B1(c), B2 & B8) (27,000m²), and an 80 bed care home (use class C2) (4,500m²); local shopping facilities, including a convenience store (use class A1) (up to 500m²) and three retail units (use class A1/A2/A3 or A5) (up to 300m²); a new community centre (including changing rooms (use class D1) (up to 550m²) with associated car parking; land for a two form entry primary school with associated parking, drop-off/ pick-up provision and open space; new public open space including one local equipped area of play, allotments and two playing pitches; landscaping; ecological mitigation; a sustainable drainage system; earthworks, including a new landscaped bund alongside Thanet Way (A229); provision of a realigned vehicular access to Sweechbridge Road (south); a new west-bound on-slip to, and modified west-bound off-slip from, the A229 Thanet Way at Heart in Hand Road; improvement works to the existing May Street road network, including enabling work within the public highway over May Street bridge to provide a southbound vehicular access and the necessary services and utilities infrastructure; and associated internal roads, footpaths and cycleways to facilitate movement within the site, including access to Altira Business Park and to the land to the west (Site 3 allocation).

The planning application pre-dated the coming into force of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and the references to use classes in the description of development are to those specified in the Town and Country Planning (Use Classes) Order prior to its amendment by the 2020 Regulations. I have considered the appeal on the basis of this understanding of the description set out above.

4. Insofar as the outline element of the proposal is concerned, matters of detail other than access are reserved for subsequent consideration. There are three points of access proposed to the highway network, two junctions on Sweechbridge Road (one of which falls within that part of the proposal for which full planning permission is sought) and a link to The Boulevard at Altira Business Park. Although the application form indicated that approval was sought for access in conjunction with the outline element of the scheme, it is clear from the Appellant's highways evidence that approval is simply sought for the details of the southern junction with Sweechbridge Road, and that a separate planning application would be submitted for the access from The Boulevard².
5. An environmental statement (ES) accompanied the planning application. The original submission was supplemented by additional documentation in 2018 and in 2019, which together comprise the composite ES. I am satisfied that the composite environmental statement meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and I have taken it into account in my consideration of the appeal.
6. A planning agreement has been submitted, which has been made between the LPA, Kent County Council, the Appellant and other owners, and a chargee (core document 10 (CD10.42)). The agreement includes obligations concerning highway works, highways and transportation contributions, sustainable transport and air quality measures, contributions towards strategic access management and monitoring (SAMM) mitigation measures, education, community services,

² The Transport and Highways Statement of Common and the proof of evidence of the Appellant's highways consultant (CD8.13, para 4.2.15) refer to this link being the subject of a reserved matters applications (CD8.7 para 8.2.8). However this was amended by the errata note to the highways consultant's proof (CD10.0, para 1.2.1).

public space, the transfer of land, affordable housing, and marketing strategies for the local centre and employment area.

7. A core documents library was established in advance of the inquiry, and can be accessed at <https://www.hillboroughappeal.co.uk>. Inquiry documents³ are detailed in a list appended to this report. Videos submitted by Beltinge Village Action Group (BVAG), and showing the surrounding area and local highway conditions, were viewed as part of the inquiry⁴.
8. This report contains a description of the site and its surroundings, an explanation of the proposal, identification of relevant planning policies, details of agreed matters, and the gist of the submissions made at the inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances are appended.

The Site and Surroundings

9. The appeal site includes the larger part of a strategic site (site 3), allocated in the Canterbury District Local Plan (CDLP - CD6.1) for housing, employment floorspace and other development⁵. Site 3 is on the south-east side of the urban area of Herne Bay, extending up to Sweechbridge Road/ Heart in Hand Road to the east and to the A299 to the south. The appeal site is about 2.5km to the east of Herne Bay town centre. The A299 leads to the M2 motorway to the west and Margate and Ramsgate to the east: there is a junction with the A299 off May Street, a short distance to the south-east of Sweechbridge Road. Canterbury is about 13km to the south-west of the site, and is reached by the A299, the A291 through Herne, and the A28 through Sturry. An alternative route exists along the minor roads leading south from Sweechbridge Road to the A28: these narrow rural roads were referred to as the Hoath Road route. A railway, providing services between London and Ramsgate, bisects the appeal site.
10. The built-up area to the north of the site is predominantly residential in nature with shops and other local facilities situated along Reculver Road. To the north-west, fields between the appeal site and the existing housing comprise most of the remaining land in the site 3 allocation. Adjacent to the A299, to the west of the site is Altira Business Park. Here there is a superstore and a number of commercial premises, although the land closest to the appeal site is unused. There is also a group of commercial premises, together with a number of dwellings, close to the north-east corner of the site between May Street and Sweechbridge Road. Open land extends to the south and east of the site: the limited development within this landscape to the east of Sweechbridge Road includes May Street Wastewater Treatment Works (WWTW).
11. About 0.7km to the north of the site are the Thanet Coast & Sandwich Bay Special Protection area (SPA) and Ramsar Site, and about 5km to the south are the Stodmarsh SPA, Ramsar Site and Special Area of Conservation (SAC)⁶. There are a number of designated heritage assets in the surrounding area, which are

³ Section 10 of the core documents library.

⁴ CDs 8.16b, 8.16d & 8.16e.

⁵ The extent of the appeal site is shown on the location plan (CD2.6), and the allocation of site 3 is shown on the plan at Appendix 17 of CD8.10

⁶ The location of these sites is shown on the plans at Appendix F of CD10.25.

identified in the Appellant's Heritage Setting Assessment (CD1.89b) and the LPA's report on the proposed development (CD4.5).

12. The site encompasses about 56.75ha of land, the greater part of which is agricultural land to the north and south of the railway line. This part of the site is sub-divided by lengths of hedgerow, and there is a small area of woodland to the north of the railway. The landform is gently undulating, through which the railway runs in a cutting. Sweechbridge House, which is situated on the west side of Sweechbridge Road and to the north of the railway is included within the appeal site, as are the nearby section of Sweechbridge Road and sections of highway at the junction of Sweechbridge Road/ Heart in Hand Road and May Street. To the south of the A299, a separate part of the appeal site covers the slip roads to and from the west-bound carriageway and part of a field on the west side of Heart in Hand Road.
13. The main part of the appeal site is crossed by two highways. May Street runs across the eastern part of the site, between the residential development south of Reculver Road and a junction with Sweechbridge Road/ Heart in Hand Road, with a bridge taking the road over the railway. It is roughly surfaced, and not suitable for use by most vehicles. Bogshole Lane runs westwards from May Street across the northern part of the site, and then outside, but close to, the site boundary to the A299. It is the subject of a traffic regulation order prohibiting its use by motor vehicles, is roughly surfaced, and is narrow in places. This highway crosses the railway by a narrow bridge to the west of the appeal site.
14. Approximately 29.8ha (52.4%) of the overall site falls within grades 2 and 3a of the agricultural land classification, and as such meets the National Planning Policy Framework (NPPF) definition of best and most versatile agricultural land⁷. The Flood Risk and Drainage Impact Assessment explains that the underlying soil on the site has relatively poor permeability⁸. A number of archaeological remains have been found within and close to the appeal site⁹.

Planning History

15. My attention has not been drawn to any previous planning applications on the appeal site. The planning statement provides information on planning applications in the surrounding area¹⁰.

The Proposal

16. The proposal involves a major mixed-use development: the masterplan (CD2.15) shows the intended disposition of the components of this scheme, together with proposals for the other land in strategic site 3. That part of the appeal proposal for which full planning permission is sought involves the construction of 193 dwellings within phase 1 of the overall development, together with areas of open space¹¹. Access would be taken from a junction with Sweechbridge Road (CD2.73), and from here a road would extend to the western side of the site, providing access points to other parts of the development and a bus turning area.

⁷ Agricultural Land Classification report, CD1.87b, para 5.1.

⁸ CD1.85b, para 4.22.

⁹ CD1.88b, Archaeological Desk Based Assessment, paras 4.5-4.26.

¹⁰ CD1.92, paras 3.11-3.20.

¹¹ CD2.11 is an indicative phasing plan for strategic site 3. The layout for phase 1 is shown on the plan at CD2.21.

17. The outline part of the appeal proposal covers the remainder of the appeal site. Residential development of up to 707 dwellings would take place to the north and south of the railway. In the south-west part of the site, close to Altira Business Park, up to 27,000m² of employment floorspace would be provided. The community centre would be located at the western end of the central road through phase 1, with playing fields and allotments nearby. Land for a primary school would also be provided in this part of the site. A convenience store and other retail/ service units (the mixed-use hub) would be built close to Heart in Hand Road, in the south-east part of the site, together with an 80 bed care home. Greenspace would be provided throughout the site: there would be a large area of open space towards the eastern side, and green corridors and tree-lined roads would run through the built development¹². The existing staggered junction of May Street with Sweechbridge Road/ Heart in Hand Road would be replaced by a roundabout, providing access to the southern part of the site (CD2.72). A road would run from this junction to the western boundary, where a link to Altira Business Park would be provided by the occupation of the 125th dwelling on the southern part of the site.
18. Both May Street and Bogshole Lane would be resurfaced, including that part of Bogshole Lane which lies outside the site. The southern part of May Street would be available for use by vehicles, but in a southern direction only. There is a narrow section of Sweechbridge Road, immediately to the north of the railway bridge. To address this situation, it is proposed that traffic signals would be introduced, preventing simultaneous two-way movement over this part of the road, or that the road be widened¹³. At the nearby junction with the A299, the west-bound on-slip road from Heart in Hand Road does not lead to an acceleration lane with the main road. It is proposed to provide a new on-slip road with such a lane on the western side of Heart in Hand Road, with the existing on-slip road being closed to traffic heading for the A299 (CD2.71).

Other Proposals for Site 3

19. Planning applications have been submitted for the other parts of site 3. Kitewood Estates Ltd has submitted an outline application for up to 180 dwellings on land south of Osborne Gardens¹⁴. This land lies immediately to the north-west of the appeal site. The illustrative masterplan shows two potential vehicular access points to the appeal site, one to Osborne Gardens, and a fourth to the adjacent site to the west¹⁵. All of these access points are also shown on the Appellant's masterplan which covers the whole of site 3. An appeal has been lodged on the ground of non-determination, and the LPA has resolved that the proposal is premature and that the developers of site 3 have failed to act in a co-ordinated manner to resolve key issues including access, levels of affordable housing, and open space provision. In addition the Planning Committee recorded reservations in respect of density, the use of open space for attenuation ponds, permanent protection of open space, and traffic access (CD10.36). At the date of the inquiry into the appeal proposal, that into the Kitewood scheme had not taken place.

¹² See the green infrastructure parameter plan (CD2.9) and the green infrastructure provision plan (CD2.13).

¹³ The signalisation scheme is shown on the plan at CD2.75, and the road widening scheme is shown on plan ref ITB8344-SK-053 revision B in Appendix 13 of CD41.

¹⁴ Application reference CA/19/00557.

¹⁵ Appendix 2 in DC8.10.

20. The other proposal on site 3 is an outline planning application from AE Estates for up to 350 dwellings on land south of Highfields Avenue¹⁶. This site extends between the railway and the Kitewood site, and is immediately north-west of the appeal site. The illustrative masterplan shows vehicular access points to the north, to Chartwell Avenue and Osborne Gardens, and another to the Kitewood site¹⁷, and these are also shown on the Appellant's masterplan. At the date of the inquiry into the appeal proposal, this planning application was under consideration by the LPA.

Planning Policies and Guidance

The Development Plan

21. The Development Plan includes the Canterbury District Local Plan and the Kent Minerals & Waste Local Plan 2013-30.

Canterbury District Local Plan

22. Policy SP2 sets out development requirements over the period 2011-2031, including 16,000 residential units and 96,775m² of employment floorspace. A series of strategic site allocations are included in Policy SP3 where development will be permitted, subject to the provision of certain infrastructure. The appeal site forms part of site 3, where the Local Plan proposes 1,300 dwellings, 33,000m² of employment floorspace as an extension to Altira Business Park, local centre scale shopping, health care provision, and local community facilities. In addition, the provision of or contributions to education facilities are proposed, and the following infrastructure works are specified: a new link to Thanet Way (the A299) via Altira Park and limited access to Sweechbridge Road, a new west-facing on-slip road to the A299 at the Heart in Hand junction, measures to discourage additional traffic using Heart in Hand Road (a safeguarding area for which is shown on the Proposals Map), and improvements to the A291 corridor. Proposals for a strategic site should be accompanied by a masterplan for the whole allocation, which, amongst other matters, should provide for design incorporating garden city principles¹⁸.
23. The CDLP makes clear that affordability is an issue in Canterbury¹⁹, and Policy HD2 seeks the provision of 30% affordable housing on all sites of 11 or more units outside the area of outstanding natural beauty. Where a lower level of provision is proposed, this is to be justified by a financial appraisal. The supporting text explains that the tenure and type of units should reflect local needs, but suggests a target of 70% rented and 30% intermediate tenure. On-site affordable housing should be integrated into the layout of a development.
24. Principles for a transport strategy are set out in Policy T1, which are to be taken into account in considering the location of new development. Amongst these principles are: controlling the level and environmental impact of vehicular traffic, including air quality; and providing alternative modes of transport to the car. More specifically, Policy T13 requires the provision of an A291 Herne Relief Road (HRR) as an integral part of the development to come forward under Policy SP3.

¹⁶ Application reference CA/21/00158.

¹⁷ Appendix 3 in DC8.10.

¹⁸ The garden city principles are set out in Appendix 1 of the Local Plan (CD6.1).

¹⁹ CD6.1, para 2.35.

The reasoning to the policy refers to congestion and high levels of pollution from traffic using the A291 through the centre of Herne.

25. Development proposals should include proportionate measures to reduce carbon and greenhouse gas emissions (Policy CC2). Where strategic sites are concerned, they are expected to include site-wide local renewable or low carbon energy and/ or heat generation schemes, unless such a measure would not be viable or feasible, or an alternative carbon reduction strategy would be more appropriate (Policy CC3). Within major developments, Policy CC11 expects sustainable drainage systems to be included which deliver benefits such as biodiversity, water quality improvements and amenity.
26. Policy DBE3 is concerned with principles of design: considerations to be taken into account in assessing development proposals include the form and density of the development and the provision of appropriate amenity and open space. The provision of outdoor space is the subject of Policy OS11, with an accompanying table setting out detailed requirements.
27. The Thanet Coast & Sandwich Bay and Stodmarsh nature conservation sites are of international importance. Policy LB5 makes clear that sites of international nature conservation importance must receive the highest levels of protection, and development will not be permitted which would adversely affect their integrity. In addition, Policy SP6 provides for SAMM mitigation measures for the coastal SPAs and Ramsar Sites. Development will not be permitted which would be likely to lead to substantial harm to the significance of heritage assets or their settings.
28. Within new residential and mixed-use developments, provision should be made to accommodate local community services (Policy QL5). Policy QL11 is concerned with air quality: development which could impact on an air quality management area should not be permitted unless acceptable mitigation measures have been agreed. Policy EMP12 seeks to protect the best and most versatile farmland.

Kent Minerals & Waste Local Plan

29. The Proposals Map (CD6.2) shows part of the appeal site within a larger mineral safeguarding area for brickearth. Policy DM7 of the Minerals & Waste Local Plan explains that planning permission may be granted for development which would be incompatible with safeguarding where it constitutes development on an allocated site²⁰.

Natural England Advice on Nutrient Neutrality

30. In November 2020, Natural England published revised advice on nutrient neutrality for new development in the Stour catchment in relation to the Stodmarsh designated sites²¹. The appeal proposal would discharge foul water to the May Street WWTW, which is one of the assets included in an investigation by the Environment Agency, Southern Water and Natural England into impacts on these sites. A review of the condition of the Stodmarsh lakes has been undertaken, and some of the site units are in unfavourable condition due to the levels of phosphorus and nitrogen nutrients. Since 2019, Natural England has

²⁰ Policy DM7 is referred to in paragraph 2.48 of the Planning Statement Addendum (CD1.197).

²¹ CD8.19, Appendix 4.

been advising that housing, mixed use and tourist development is likely to contribute to a significant effect, in combination, on water quality at Stodmarsh. It is recommended that a nutrient budget is calculated with an aim to achieve nutrient neutrality, and ensure that further development does not add to existing nutrient burdens.

Other policy and guidance

31. The planning statement of common ground refers to the Kent Design Guide (CD6.4a-h). The City Council's Air Quality Action Plan refers to the declaration of an air quality management area in Herne, which lies on the present route of the A291 to the south-west of the appeal site²². I have also had regard to national planning policy and guidance, in particular that contained in the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG).

Agreed Matters

32. Two statements of common ground were submitted, relating to planning and highways matters. The planning statement of common ground (CD8.6), agreed between the Appellant and the LPA, covers the following matters:
- A description of the site and its surroundings.
 - The composition of the appeal proposal.
 - Planning policies and guidance.
 - That the proposal comprises environment impact assessment development.
 - The implication of the proposal for the designated Stodmarsh sites should be dealt with by a revised appropriate assessment.
 - Phase 1 (for which full planning permission is sought), is acceptable in terms of layout, dwelling mix, density, access, appearance, detailed design considerations, and landscaping.
 - The masterplan and the layout plan for phase 1 are acceptable in respect of: proposed land uses; ecology and nature conservation; housing mix; residential amenity; flooding and drainage mitigation; pollution implications relating to ground conditions, air quality and noise; and heritage and archaeology matters.
 - The proposal would provide sufficient quantity and quality of usable open space, based on the green infrastructure plan (CD2.13).
 - The density of the development and whether the scheme would appropriately fit into the local surroundings are agreed.
 - Subject to conditions requiring the provision of photovoltaic panels to dwellings in phase 1, and an energy strategy for the outline part of the development, the approach to reducing carbon emissions is agreed.
 - Matters relating to highways impact and access are agreed.

²² CD10.11, page 20.

- Based on discussions between the viability advisors, there is an agreed position for 10% affordable housing, with a tenure split of 70:30 between affordable rental and shared ownership housing²³.
 - Public benefits would include expenditure on construction, investment and associated economic benefits for the local area.
33. The transport and highways statement of common ground (CD8.7) was agreed between the Appellant and Kent County Council (the Local Highway Authority (LHA)). It covers the following:
- A description of the local transport and highways infrastructure.
 - Relevant transport policies.
 - Possible conditions.
 - Draft planning obligations.
 - The data relating to junction surveys and accidents used in the Transport Assessment is acceptable.
 - With the proposed mitigation measures, there would be no unacceptable impacts on highway safety, and the residual cumulative impacts of the development on the road network would not be severe.
 - A bus strategy has been agreed with Stagecoach, the principal local bus provider. This would deliver three services to Herne Bay town centre between 0700 and 0900 hours and three from Herne Bay town centre between 1530 and 1730 hours for the initial phase of development, with further services introduced on full build-out of the scheme.
 - The timing for delivery of highway works.
 - The Appellant would work with the LHA to seek to provide the scheme to widen Sweechbridge Road in preference to the shuttle traffic signals should the land required become available.
 - Contributions to off-site highway works.
 - The internal street design of phase 1, including parking layout, would provide a safe network suitable for adoption.
 - The framework travel plan (CD1.98) includes measures to encourage sustainable travel, and a full travel plan could be secured by means of a condition.
 - A framework construction logistics plan.
34. Following the round table session concerning Stodmarsh, both main parties consider that there is no bar to the grant of planning permission under Regulations 63 & 70 of the Conservation of Habitats and Species Regulations

²³ The Appellant's note supporting 10% provision of affordable housing is at Appendix 30 in CD8.10, and an appraisal prepared for the LPA is at Appendix 5 of the planning statement of common ground.

2017, since there would be no pathway for additional wastewater to the designated sites²⁴.

The Case for the Appellant

The material points are:

Overview

35. The principle of plan-led development is particularly important in this case because the Appellant seeks to deliver major components of two key strategic policies of the Local Plan, Policy SP3 Strategic Site Allocations and Policy T13 Herne Relief Road. The Appellant is committed, via a planning obligation, to a contribution of £2,878,000 at commencement of development, towards the delivery of Policy T13 of the Plan, a commitment on which the Secretary of State counted when deciding to approve the Strode Farm scheme²⁵.
36. The application included a comprehensive masterplan which demonstrates that proper consideration was given to the remaining parts of the allocation. It is not premature or inappropriate to consider the appeal proposal separately from the Kitewood and AE Estates schemes for site 3.

Open Space

37. The development would include areas of garden, green corridors, amenity space, allotments and sports pitches. Quantitatively, the total green space would exceed the 18.14ha required by the Local Plan Open Space Provision Standards by some 0.38ha²⁶. Concern has been expressed by BVAG about the inclusion of drainage basins within the open space²⁷. Paragraph 165 of the NPPF encourages the use of sustainable drainage systems in major developments, and the glossary explains that open space can include areas of water. The maximum extent of land which could be covered by water would be 2.4ha, representing 12.96% of the open space, and the 0.36ha of basin 8 would be 11.88% of the amenity grassland²⁸. Other than basin 8, the basins would be in areas of semi-natural greenspace, where wet and damp areas would contribute to the enjoyment of the open space. Basin 6 is designed to be permanently wet, providing opportunities for visual interest and biodiversity benefits, and the other basins would vary in their dampness.
38. Basin 8, in the amenity greenspace, would include land drainage pipes to aid in drying²⁹: the worst case calculation for drainage from the peak of a 1% flood event is four days³⁰, and it would not be necessary for the whole of the basin to be dry for parts of it to be available for informal recreation. For a 20% event, the drainage time would be 1.5 days.

Character and Appearance – Density

²⁴ The LPA's closing submissions (CD10.29, para 6), and the Appellant's closing submissions (CD10.31a, para 8.29).

²⁵ Strode Farm is strategic site 5: the Secretary of State's decision is Appendix 7 in CD8.10, paras 18, 31 & 32 refer to development of site 3.

²⁶ The extent of green infrastructure is shown on the plan at CD2.13. Quantitative requirements for open space provision are set out in the table on pages 283-285 of the Local Plan, and an assessment of the appeal proposal against these requirements is in the table on page 4 of CD8.11.

²⁷ See the plan of the basin areas at Appendix 2 in CD8.11 with the green infrastructure plan (CD2.13).

²⁸ The basin areas are given in the table in CD10.16.

²⁹ CD8.11, para 5.18

³⁰ CD8.11, table in para 5.11.

39. Based on the planning net residential development area, phase 1 has an average density of 34.09 dwellings per hectare (dph), with an average density of 39.03 dph in the outline part of the development³¹. The scheme would not be out of line with surrounding development, where there is a range of 20-55dph³². The density of 40dph referred to in the second reason for refusal relates to the outline part of the scheme, and was based on the net development area. There is no nationally accepted way of measuring density, and the planning net residential development area has been used since this excludes the spine road, but includes small areas of open space and adoptable roads³³.
40. Of greater significance, when assessing the fit of the proposals with the character and appearance of the area, are the ten characteristics of a well-designed place set out recently by the Government in its National Design Guide: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Measured against these criteria, and the Local Plan's Garden City Principles, the appeal scheme can be seen to be well designed and responsive to context and modern design philosophy and objectives.
41. The site's sustainable location relative to the settlement of Herne Bay and the Altira Business Park employment and retail uses is also relevant when considering its suitability as a development for predominantly family housing complemented by a compact urban and community hub. In addition to family housing, an 80 bed care home is proposed, which would be located next to the hub.
42. The relationship of new to existing built form has been carefully conceived. The land use and building heights parameter plan (CD2.8) proposes housing of between two and three storeys, but no more than 2.5 storeys closest to existing residents. Materials for dwellings would reflect those found in the surrounding area.
43. Green infrastructure would relate to the movement corridors, and the enhancements to surfacing on Bogshole Lane and May Street and rationalisation of the May Street Bridge would open up existing public rights of way to greater use and widen access, encouraging healthy lifestyles. Whilst the scheme would create a new place, it would be a polite addition to the area.

Affordable housing

44. At the time that the Local Plan was examined, the LPA's evidence was to the effect that the Policy SP3 allocations could bring forward 30% affordable housing. Costs, especially the costs of highway and social infrastructure contributions, have increased in the intervening years. Over £58million has been agreed for financial contributions and abnormal/ infrastructure works³⁴, whereas the Adams Integra report, which formed part of the evidence base for the Local Plan, included a sum of £12,540,000 for abnormal costs with no cost input for planning obligation contributions³⁵. Included in the current higher costs is the contribution

³¹ The density figures are in CD8.12, para 3.9. The outline figure excludes 16 dwellings in the local centre.

³² CD8.12 paras 2.25 & 2.25, and Appendix D2.

³³ The calculation of density is explained at paras 3.4-3.9 of CD8.12. Paragraphs 4.13 & 4.24 of the Design & Access Statement (CD1.198) give the calculations of density for the proposal at the time of the planning application.

³⁴ Carter Jonas appraisal, Appendix 5 to the planning statement of common ground (CD8.6).

³⁵ Appendix 1 of the Adams Integra report, which is Appendix 28 in CD8.10, and section 3 of Appendix 30 in CD8.10.

of almost £3million to the HRR, to be paid by the commencement of development.

45. However, the CDLP allows proposals to be policy-compliant with lower levels of affordable housing, where justified by means of a financial appraisal. Several financial appraisals were prepared on behalf of the Appellant in relation to the planning application. That in 2019, reached the view that 20% affordable housing was not justified in the then current market, but it was offered in lieu of a review mechanism³⁶. There is now agreement with the LPA on 10% provision³⁷, and there is no evidence that the advisors for the main parties are wrong. The supporting text to Policy HD2 seeks a tenure mix of 70% rented and 30% intermediate, which is what the Appellant proposes.

Carbon emissions

46. The important point which relates to Policy QL11 is its concern with air quality management areas. One such area has been declared in the centre of Herne village, 2km to the south west of the appeal site. A major reason for the exceedance of air quality limits there is through traffic on the A291 and part of the rationale for the HRR is the removal of congestion in the village. One of the reasons why the HRR is identified in the Local Plan, the County Council's Local Transport Plan and the City Council's Air Quality Action Plan as a strategic objective is because it is seen as the main means of addressing the exceedances in terms of emissions in the air quality management area. Idling traffic, such as occurs in Herne at present, is worse in relation to air quality than free flowing traffic. The road is to be funded by new development, including the appeal proposal.
47. The Government has announced that, in June 2022, the Building Regulations will be amended to require all new dwellings to reduce their carbon emissions by about 31% compared to the current regulations. From 2025, they will be enhanced further so as to meet a reduction of about 75% from current regulations (part of the Future Homes Standard). Similarly, proposals in the Future Buildings Standard would require lower carbon emissions from non-domestic buildings³⁸. As a result of these changes, a range of energy efficiency measures suitable renewable energy technology would be used on each building. These works could be secured by condition as could the policy's Building Research Establishment Environmental Assessment Method (BREEAM) requirements. Combined heat and power was explored but found not to be feasible, a conclusion which has not been challenged.
48. It is proposed that electric vehicle charging points be installed in 20% of dwellings, and that there would be an additional eight communal points. To provide more charging points would require an electricity upgrade at an estimated £3.9 million³⁹. In 2019, the Government published a consultation document on the provision of electric vehicle chargepoints. This document

³⁶ CD1.231b, para 4.33.

³⁷ The reasoning for this level of provision is set out in the Advisory Note on Viability by BNP Paribas at Appendix 30 of CD8.10. Although the note is marked draft, the Appellant has advised that the document submitted is the final version.

³⁸ CD8.14, paras 4.18-4.20.

³⁹ Appendix 1 of CD8.14 explains the additional cost of upgrading the electricity supply to the site. The letter referred to from UK Power Networks is CD10.10. In respect of the budget estimate in that letter, the Appellant's agent has confirmed that the total figure is £7 million (CD10.42).

includes a recommendation to the effect that, in order to mitigate any potential negative impact on housing supply, there should be a threshold for exemption from the chargepoint installation requirement of £3,600 per dwelling, that figure being three times the high scenario cost of average electrical capacity connection required for one chargepoint. It is calculated that the cost per dwelling of increasing provision from 20% to 100% for the scheme would be £5,416⁴⁰, which is nearly half as much again as the amount suggested by the Government as a potential threshold. Whilst it would be technically feasible to install passive infrastructure, this would still involve the expensive full upgrade, since it is necessary to provide the extra amount of power for reasons of safety and security. However the Appellant now proposes a review mechanism, through the planning agreement, to enable provision for more charging points, in the event that the provider makes the necessary upgrade during the construction period.

49. It is noted that the LPA's report also took into account the provision of low NOx boilers, a cycle purchase scheme, cycle stands, bus vouchers, a sustainable welcome pack for new residents, a green notice board, measures which would be provided through planning obligations, and benefits to traffic movement and air quality in Herne due to the HRR⁴¹.

Movement on the Highway Network and within Site 3

50. When complete, the proposed development is expected to generate 1,066 vehicle trips during the morning peak period and 821 during the afternoon peak⁴². The scheme has been prepared in line with national and CDLP policy principles, and general locational and development mix requirements of the NPPF have been met. Technical material has been assessed by the LHA, and the assumptions made and sensitivity tests undertaken make the material robust.
51. The Kitewood and AE Estates proposals are relevant as part of the context, but it is not the function of this appeal to determine whether or not there should be construction or operational access through the residential streets to the north-west of those sites. The appeal scheme would not prejudice the proper planning of those sites, and the provision of a construction access for Kitewood, prior to occupation of the 193rd dwelling or within 2 years of substantive implementation, would assist in bringing forward that site, without construction traffic having to use residential streets in Beltinge.
52. As specified in the framework construction logistics plan⁴³, construction vehicles travelling to the appeal site would be required to enter it from the south, using the A299 Thanet Way. There is no incentive for heavy goods vehicle (HGV) drivers to make their way through the residential streets of Beltinge, where parking and other restrictions would slow down the journey of a large vehicle. Improvements to the nearby Thanet Way junction would be made by the occupation of the 200th dwelling, comprising closure of the existing, sub-standard westbound access point and provision of a new westbound on-slip. A new four arm roundabout at Sweechbridge Road/ Heart in Hand Road would facilitate entry to and exit from the A299. This package would bring safety and capacity benefits for all traffic.

⁴⁰ Note on provision of electric charging points in Appendix 1 of CD8.14, para 8.

⁴¹ CD4.5, paras 130-136.

⁴² CD1.82, tables 6.8 & 6.9.

⁴³ Appendix C of CD8.7.

53. An illustrative layout in the 2015 draft version of the CDLP included a new bridge over the railway within site 3, but the policy baseline does not include this feature. There was concern from local residents that, in the absence of a new railway crossing, traffic from the development would be drawn onto the residential streets of Beltinge. That would not be the case, even allowing for the traffic lights scenario on Sweechbridge Road. It takes about one minute to travel the length of the site via Thanet Way, as opposed to some nine minutes through Beltinge⁴⁴.
54. Alternatives of traffic signals and road widening, to be implemented prior to occupation of the 100th dwelling, are proposed to address the narrow section of Sweechbridge Road on the north side of the railway bridge. In the traffic signals scheme⁴⁵, the southbound stop line would be about 45m from the northern site access. Modelling results for the signals indicate that, in the morning peak, with 193 dwellings occupied there would be a maximum southbound queue of 10 passenger car units (pcus), and that with 300 dwellings the maximum queue could extend for up to 11 pcus⁴⁶. The tenth car to join the queue would block southbound vehicle movements at the northern site access, but the traffic signals would be programmed to prioritise southbound traffic, and there would be only a short period of static queuing of up to 10 vehicles. The shuttle signals would operate efficiently and safely until 300 dwellings are occupied. May Street would be improved, and the section leading to the southern site access, including the bridge, would be made available for use by southbound traffic by occupation of the 300th dwelling to provide an alternative route.
55. The alternative of road widening⁴⁷ is, on balance, preferred, and it seems that this could be achieved. The traffic signals scheme would, however, be capable of accommodating traffic from all of the site 3 proposals. It has passed a stage 1 road safety audit, and would reduce the weight carried by the bridge at any one moment.
56. The junction of Reculver Road and Mickleburgh Hill at Blacksole Bridge is situated to the west of Altira Business Park. Whilst capacity would be exceeded with development of site 3 as a whole, with a maximum queue of 50 vehicles on the bridge arm, modelling results for the appeal proposal alone show a marginal increase in queue length from 9 to 10 pcus⁴⁸.
57. The phased arrangements for operational multi-modal traffic would, amongst other provisions, bring into fuller use two existing railway bridges, at May Street and Bogshole Lane, and provide a link to Altira Business Park⁴⁹. These arrangements, complemented by the travel plan, comply with Policy SP3, with the tests of NPPF (paragraphs 108 & 109) and with the CDLP's related development management policies. The planning agreement makes provision for a bus stop contribution and specific roads within the development would be

⁴⁴ The Appellant's assessment based on Ms Moody's video in CD8.16b.

⁴⁵ Drawing ref ITB8344-SK-039 revision E (CD2.75). The implications of the scheme are set out in paras 6.2.11-6.2.22 of CD8.13.

⁴⁶ Table NSM6.2 in CD8.13.

⁴⁷ The land required for road widening is shown on the plan at CD10.19 c.

⁴⁸ The effect of the development of the whole of site 3 on this junction is covered in paras 5.1.5- 5.1.11 of the Transport Assessment Supplementary Report (CD1.187b), and the effect of the appeal proposal is covered in paras 8.3.27-8.3.29 of the Transport assessment (CD1.82).

⁴⁹ Figures NSM4.1-4.9 in CDs 8.13c-e showing the programming of highway works have been superseded by the set of plans at CD10.8b-k.

designed to accommodate buses: the development offers an opportunity to improve the sustainability of the local bus service. Proper opportunities to encourage sustainable travel have been taken up and the residual effects upon the highway network would not be severe.

Nature conservation

58. The appeal scheme has the potential to interrelate with various internationally designated nature conservation sites. The LPA adopted an appropriate assessment which concluded that there was potential for likely significant effects to arise as a result of visitor pressure from new residential development in combination with other projects within a 7.2km radius of the Thanet Coast and Sandwich Bay SPA and Ramsar sites⁵⁰. Policy SP6 addresses the strategic approach to mitigation of impacts on the coastal sites through SAMP mitigation measures. The Appellant has committed to make the relevant contribution to the SAMP measures through the planning agreement. This matter is also covered in the Appellant's Statement of Information to inform the Habitats Regulations Assessment (CD10.25).
59. The critical issue is whether or not there is a pathway for increased surface or foul water generated by the development to reach the River Stour and from there the designated Stodmarsh sites, where it could, potentially, increase eutrophication due to high concentrations of phosphorus and nitrogen. The consequent depletion of oxygen in the water could lead to the species of nature conservation interest being unable to thrive there. Surface water drains to the Thames Estuary, rather than to the River Stour⁵¹. Foul water would be piped to the May Street WWTW, which receives flows from two catchments. After treatment, discharges are made in corresponding proportions to the Hogwell Sewer, which flows north to the Thames Estuary, and to the River Stour⁵². The appeal site lies within the catchment which generates the level of discharge to the Hogwell sewer. Therefore, the increase in flow of foul water as a result of the development would result in an increase in outflow to the Hogwell sewer to the north. It is not, therefore, necessary to demonstrate nutrient neutrality as set out in the Natural England Advice Note (above, para 30), because there is no connection pathway for the additional sewage to Stodmarsh. Natural England and the Environment Agency confirmed that, in this circumstance, no mitigation is required. The Appellant submits that there is no legal bar to the grant of planning permission, subject to suitable conditions.
60. A number of protected species (reptiles, bats, birds and badgers) have been recorded within the appeal site. Mitigation measures including the protection of retained blocks of trees and hedgerows, new hedgerow planting, the translocation of reptiles, a sensitive lighting strategy, and the protection of badger setts are proposed⁵³.

⁵⁰ CD8.10, Appendix 37. Although the assessment is marked draft, it is understood that the document submitted is the final version.

⁵¹ CD8.19, figure 1 in Appendix 4.

⁵² The process at May Street WWTW is outlined in the representations from Southern Water, see paras.

⁵³ Biodiversity Method Statement (CD1.203), sections 3 & 5.

The Development Plan

61. The Appellant has worked with the promoters of the other parts of site 3 to produce a masterplan, in consultation with officers of the LPA and the LHA, and this supports the delivery of the entire allocation. This appeal scheme would provide the entire contribution for the Bullockstone Road part of the HRR, which is sought by Policy SP3 and is a key part of the CDLP's strategy. The case on the six specific matters set out above demonstrates that the allocation and general policies of the CDLP are met.
62. The amount of B Class employment floorspace proposed is less than the figure of 33,000m² in Policy SP3, but it is located as an extension to the existing Altira Park as envisaged by the policy, and the appeal scheme would help the Business Park to thrive. Moreover, it was agreed with the LPA during the application process that the care home within the development would provide further employment opportunities, and the shortfall is, therefore, considered to be only 1,500m², which is a relatively small amount. The primary school and retail uses would also create jobs within the development.
63. The scheme would make proper provision for social infrastructure, in accordance with development plan policy. Specifically with regard to education, policy-compliant contributions would be made, both in the form of land and money for a new primary school on the site, as required by Policy SP3, and there would be contributions towards secondary education. The healthcare requirement would be met by a financial contribution, because this is the NHS's preferred option.
64. There is accordance with the Development Plan in important respects, and the one area where there is not total compliance is not significant. The provision of housing and highway infrastructure, in the form of a mixed-use development as envisaged by Policy SP3, not only accords with the CDLP, but is vital to achieving its strategy. The Hillborough site is part of the LPA's five year supply of housing land.

Planning balance

65. The scheme is not opposed by any statutory body, and local objectors do not, in the main, object to the principle of the development. Discussions have taken place with the County Council and the Primary Care Trust to establish the degree to which new provision on-site or improvements to off-site facilities should be made to mitigate the impact of the development, and agreement has been reached on this matter⁵⁴. There would be substantive benefits in addition to compliance with and delivery of Development Plan policies and proposals. They are: the provision of homes of the type sought by the LPA, including 10% affordable housing and a mix reflective of market demand locally for 2 and 3 bed family housing; employment units, to be developed as part of a mixed use community, bringing economic and social benefits to the Herne Bay area; an environmental balance in that the scheme would make efficient use of land while creating a new place which would be spacious, well-planned and landscaped in line with the garden city principles for strategic allocations; and drainage improvements in that the development would be designed and managed to

⁵⁴ CD8.10, para 12.43.

reduce flood risk to the site and elsewhere, by managing run-off at greenfield rates. It is requested that planning permission is granted.

The Case for the LPA

The material points are:

66. The LPA is satisfied that the concerns identified in its five reasons for refusal would be fully resolved by delivery of the infrastructure and contributions included in the planning agreement, together with the agreed suggested planning conditions. A viability appraisal prepared by Carter Jonas supports the agreed position of provision of 10% of the dwellings as affordable housing⁵⁵.
67. Concern about the risk of harmful effects of the proposal on the integrity of the Stodmarsh protected sites due to wastewater from the appeal development was resolved at the round table session. The Environment Agency and Southern Water endorse the Appellant's view of how the May Street WWTW operates, and that there would be no connectivity between additional wastewater from the development and Stodmarsh. It was also clear that Natural England has no concerns on the basis of that endorsement. Given that use of the Kings Hall Rising Main would not realistically be necessary, as Southern Water confirmed at the inquiry, and that any proposal for such a connection in the foul drainage scheme could be ruled out by a condition if planning permission were granted, the LPA considers there is no bar under Regulations 63 and 70 of the Conservation of Habitats and Species Regulations to that grant of permission.
68. The LPA now supports the appeal.

The Cases for Interested Parties

The material points are:

i) Beltinge Village Action Group (BVAG)

69. BVAG is not opposed to housing in principle, but rather to the proposed routes in and out of the development via the residential roads of Beltinge and a lack of community infrastructure including adequate open space. The appeal should be dismissed for the following reasons.

Traffic movement

70. Control of highway safety in the construction period prior to the occupation of 100 homes would be limited to closed circuit television (CCTV), specific only to access onto the westbound on-slip road of the A299, and excluding Sweechbridge Road railway bridge. Enforcement would be reliant on monitoring by the LHA and any disciplinary action by the principal contractor. It is proposed that marshals would direct construction traffic, yet the spine road would also be supporting the new residents of up to 100 homes. There is concern as to how effective this would be.
71. Whilst vehicular links to the north onto Osborne Gardens and Highfields Avenue, are outside the control of the Appellant, should those links be put in place by other developers, full permeability would be available for users of the appeal site.

⁵⁵ Planning statement of common ground (CD8.6) paras 5.17-5.19 & Appendix 5.

The proposed northbound restriction on May Street Bridge, together with delays at the proposed traffic signals at Sweechbridge Road would make the routes onto Osborne Gardens and Highfields Avenue more desirable, and, having regard to desire lines and journey times these routes would be used for journeys to the village centre and Herne Bay. There are problems of parking and congestion in the area to the north of the site, particularly on Reculver Road, and near Reculver School at drop-off and pick-up times (CDs 8.16b & 8.16d).

72. Journeys to the north would make a substantial difference at Blacksole Bridge, where no works are proposed to mitigate over-capacity. With the full development in place, and links to the north towards Reculver Road, traffic queues on Margate Road from Reculver Road and Blacksole Bridge would, during the afternoon peak, extend to the roundabout at the junction to Altira Business Park. This would be likely to affect the roundabout capacity and the east-bound off-slip from Thanet Way, and the effect on the strategic highway network may be severe. A new bridge should be provided over the railway to provide access to Altira Business Park and the A299 (CDs 8.16b & 8.16d).
73. BVAG has concerns on both enforcement and the points at which the suggested conditions concerning highway matters would become operative, for example at occupation of the 100th dwelling; even if effective, the period beforehand would be unsatisfactory. It is vitally important that the infrastructure for the whole development is taken into account, especially in relation to highways, to lessen the impact on existing residents.

Open space

74. The development would result in a poor standard of living for the existing and proposed residents, by reason of insufficient and poor-quality open space, due to the amount of that space which would contain surface water attenuation basins. Although the amenity areas are intended to be multifunctional, by way of providing for surface water attenuation during periods of rainfall, basin drainage would be inadequate, resulting in a poor surface quality. It is considered that the ponds would contain water for periods significantly longer than the drain down times indicated in the evidence provided by the Appellant. Furthermore, the land drainage and low flow channels proposed would be ineffective for their intended function, due to poor soil permeability and absence of a suitable piped outfall. It is considered that for these reasons, even when empty, the surface of the ponds would remain wet and boggy for much of the year.

Affordable housing

75. The affordable housing proposed would fall short of what is required by Policy HD2. There is a shortage of affordable housing and, based on local knowledge, there are more than enough executive houses under construction which local people are unable to afford.

Carbon emissions

76. The lack of capacity within the existing electricity network for the 100% provision of electric vehicle charging points, would almost certainly need to be remedied to ensure the whole area is not affected by blackouts prior to any permission being granted.

ii) Southern Water

77. May Street WWTW receives foul water from two catchments: catchment 1 includes the area to the south and east of Herne Bay, from where sewage flows would enter a flow reception chamber at the WWTW; catchment 2 covers Herne Bay, from where sewage would arrive by the rising main which crosses the appeal site from Kings Hall water pumping station⁵⁶. Given the location of the appeal site, foul water is expected to enter May Street WWTW by the reception chamber. Within the WWTW, the flows are combined for treatment, and are then discharged to the Hogwell Sewer and the River Stour. The treated water is separated into the two outlets by an actuated penstock in proportion to the inflow from the two catchments. About 33% of sewage arrives from catchment 1, and this proportion of treated material would be discharged to the Hogwell Sewer. The Hogwell Sewer takes treated material north to the Thames Estuary⁵⁷. The proportion of material discharged to the River Stour would be equivalent to that arriving from catchment 2⁵⁸.

iii) Natural England

78. Stodmarsh is an SPA, a Ramsar site, an SAC, a site of special scientific interest, and some parts are a national nature reserve. The site is of national and international importance for a range of water-dependant habitats, including lakes, and the wildlife that relies upon these habitats. The wildlife includes wetland and breeding birds, and Red Data book invertebrate species⁵⁹. The River Stour flows just to the north of the Stodmarsh sites: whilst there is no direct connection between the river and the Stodmarsh lakes, water may pass into the water bodies at flood events and by means of certain controlled flows⁶⁰.

79. Water quality targets for the lakes have been agreed with the Environment Agency. At present there is concern about the lakes at units 7 & 10⁶¹. An increase in eutrophication would have a damaging effect on species in the designated sites, and Natural England is concerned that this could be caused by waste-water arising from development involving overnight accommodation. It is agreed that the appeal site is not within a surface water catchment area which would affect Stodmarsh. Natural England acknowledges that the Hogwell Sewer has no connection to the River Stour, and that treated material from the development would have no effect on Stodmarsh provided that the amount of foul water is reflected in the proportion discharged to the Hogwell Sewer. Consequently, it would not be necessary for the proposed development to demonstrate nutrient neutrality. Natural England has no outstanding concerns⁶².

⁵⁶ Process description for May Street WWTW attached to letter of 21 December 2020 from Southern Water to Ms Cameron, in Appendix 7 of CD8.19. The process of foul water passing through May Street WWTW is also set out at sections 3-7 of Ms Cameron's Technical Note on Nutrient Neutrality (Appendix 6 in CD8.19), derived from information provided by Southern Water and which has been agreed by it.

⁵⁷ Figure 2 in Ms Cameron's proof of evidence (CD8.19) shows the Hogwell Sewer and the indicated route of the outflow to the River Stour.

⁵⁸ Letter of 13 January 2021 from Southern Water to Ms Cameron (in Appendix 7 of CD8.19), and Mr Edevane's oral evidence.

⁵⁹ The features of interest of the designated Stodmarsh sites are summarised in Table A3.1 of Natural England's Advice on Nutrient Neutrality (CD8.19, Appendix 4). The table includes links to the citations.

⁶⁰ Mr Burns's oral evidence.

⁶¹ The plan at figure A1.2 of CD8.19, Appendix 4, shows the condition of these units as *unfavourable no change*.

⁶² Mr Burns's oral evidence.

iv) The Environment Agency

80. Surface water drainage from the appeal site would not be a concern in relation to Stodmarsh. There is no dispute that foul water drainage at May Street WWTW operates as explained by Southern Water (above, para 77). Water quality at Stodmarsh is currently failing to meet standards, and there is concern that sewage discharge into the River Stour is finding a way across to the designated sites. An investigation, involving the Environment Agency, Southern Water and Natural England, is underway into the situation. The target date for completion of this work is April 2020, and there are no interim findings available⁶³.
81. It is agreed with Natural England that there is no hydrological connection to the River Stour from the Hogwell Sewer, and that no mitigation would be required in relation to the designated Stodmarsh sites⁶⁴.

v) Kent County Council as LHA

82. The LHA confirmed that the Bullockstone Road Improvement Scheme would be part of the HRR. There is also a proposal for a relief road at Sturry, about 7.5km south-west of the appeal site⁶⁵. The LHA agreed with the Appellant's position that the impact of traffic flows from residential development on the appeal site would be immaterial in terms of the proportionate increase on the A28 in Sturry⁶⁶. It is intended that the provision of the HRR would be supported by development of the northern strategic sites (which include site 3), and that the Sturry Relief Road would be supported by other proposals. Although the County Council's Planning Committee has refused planning permission for a relief road, that does not alter the LHA's support for the overall scheme.

vi) Sir Roger Gale MP

83. There is concern about local bridges. Blacksole Bridge, to the west of the appeal site, should have been rebuilt when Alita Business Park was developed, but nothing was done for traffic movement there. It is considered that the condition of the bridge on Sweechbridge Road is a cause of concern, and May Street bridge should not be used. A new bridge across the railway is required, as was previously indicated in the draft CDLP. Nearby roads are unsuited to construction traffic, particularly Sweechbridge Road. Many trips to and from Canterbury would use Heart in Hand Road rather than the HRR. The proposal has potential to cause disruption on local roads.
84. Charging points should be provided for each new dwelling, given the carbon problem. There is a need for a new secondary school, and primary school children from the development could be accommodated by the expansion of Reculver Church of England Primary School. More doctors are needed in the area.
85. When it is wet, the land on the appeal site holds water, and the proposed ponds would not drain well. It is important that the Stodmarsh designated sites are carefully looked after. The three proposed developments on site 3 are interconnected, and should not be considered in a piecemeal way.

⁶³ Mr Penn's oral evidence.

⁶⁴ Mr Penn's oral evidence.

⁶⁵ A plan of the Sturry Relief Road is at Appendix A of CD10.26.

⁶⁶ In CD10.26, paras 1.3.1-1.4.1.

vii) City Councillors

86. Councillor Eden-Green considered that the reasons for refusal were not adequate. Councillor Stockley referred to the provision of electric charging points for 20% of dwellings, and suggested that the cost of additional provision would be lower if included as part of the development, rather than if added at a later date.

viii) Local Resident – Mr Hodges

87. Two routes from the appeal site, Heart in Hand Road and the Herne Relief Road, would converge in Sturry, close to the level crossing. It is understood that the Sturry Relief Road is required for the appeal proposal to proceed, and additional congestion would be caused in its absence. However the County Council has refused planning permission for the relief road. Concern was also expressed about the road network at the appeal site, with reference made to an indirect route to the superstore at Altira Business Park from the northern part of the development.

Written Representations

The material points are:

88. Kent County Council submitted a statement in its role as the statutory authority responsible for education, libraries, community learning, adult social care, youth service, broadband and waste (CD8.5a). The proposal would have an additional impact on the delivery of services, which would require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Relevant planning obligations would overcome what would otherwise be planning objections to the development. The County Council would seek to negotiate planning obligations if a draft planning agreement were submitted.
89. Councillor Carnac objects to the appeal proposal, referring to over-development, inadequate provision of open space, insufficient affordable housing, the unsatisfactory nature of measures to deter traffic from using the Heart in Hand Road to reach Canterbury, and the under-provision of employment space (CD8.9c).
90. Local residents who did not appear at the inquiry submitted twelve objections in response to notification of the appeal proposal⁶⁷. The reasons stated for objection include: traffic concerns including the adequacy of infrastructure, the need for a new bridge over the railway, the effect on the area to the north of the site, and the movement of construction traffic; highway safety; the adequacy of open space provision; the density of the development; the level of affordable housing; the loss of agricultural land; conflict with planning policies; the effect on the character and appearance of the area; lack of need; flooding; the importance of a co-ordinated approach to development of site 3; and the effect on the WWTW. Previously about 295 objections were received to the planning application⁶⁸: the concerns raised were similar to those put forward by local residents at appeal stage.

⁶⁷ CDs 8.9a, d-k, n, o, q & r.

⁶⁸ See section 3 of the CD library.

Conditions

91. The Appellant and the LPA submitted a schedule of possible conditions which were discussed at the inquiry (CD10.30). These cover the following matters: plans for determination, parameters for the outline element of the proposal, phasing, design codes, requirements for reserved matters, open space, archaeological investigation, contamination, drainage, construction environment management plans (CEMPs), tree protection, ecology, landscaping, noise mitigation, highways and transport matters, energy and sustainable buildings, refuse storage and collection, accessible dwellings, the care home, broadband, materials and appearance of dwellings, and renewable technology.

Conclusions

References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus [8].

Main considerations

92. Having regard to the representations submitted, I have identified the following main considerations in this case:
- (i) Whether the proposed development would provide a sufficient amount and quality of open space.
 - (ii) The effect of the development on the character and appearance of the area, having regard to the density of the proposed housing.
 - (iii) Whether the proposal would provide an appropriate amount of affordable housing, having regard to viability considerations.
 - (iv) Whether the proposed development would include appropriate sustainable infrastructure.
 - (v) The effect of the proposed development on the movement of traffic on the local highway network and within the Hillborough strategic site.
 - (vi) The effect of the proposed development on sites of nature conservation importance.
 - (vii) Whether the proposed development would be consistent with the Development Plan.

Open space

93. Strategic sites should be designed to incorporate the garden city principles set out in the CDLP [22]. Amongst other aims, this part of the CDLP seeks the provision of a comprehensive green infrastructure network, and a range of open spaces would be provided across the appeal site [17]. The areas of open space identified on the green infrastructure plan would slightly exceed the amount sought in the Local Plan [17, 37], and this matter was not disputed at the inquiry.
94. However there is concern in the local community, expressed in particular by BVAG [74], about the inclusion of attenuation basins within the green infrastructure. Nine such basins are proposed: basin No 8 would be formed within an area of amenity greenspace in a central position, and the other eight basins would be formed in areas of semi-natural space [37], predominantly towards the eastern side of the site.
95. The glossary of the NPPF defines open space as including areas of water, and it is not uncommon for features such as ponds (which the attenuation basins would resemble in size) to be found in parks and areas of amenity and semi-natural greenspace. Basin No 6 is intended to be permanently wet, and the others would contain varying amounts of water throughout the year. Given the relatively poor permeability of the underlying soil [14], I anticipate that drainage times would be at the upper ends of the ranges put forward by the Appellant [38], which for a 1:100 year event would be 4 days, whilst the shorter drainage time for the less

- extensive 1:5 year event would be 1.5 days. Added to this would be the time taken for water to accumulate in the basins. BVAG drew attention to the relative positions of drainage channels within the basins and outlets [74]: whilst filter channels would be below the bottom of the basins, they would provide assistance in drying them out [38].
96. All of the basins, except for No 8, would be formed within areas of semi-natural greenspace [37]. Here, I anticipate that visual amenity would be an important characteristic, and the presence of a permanently wet basin and others with varying water levels would add interest to the open space. I do not consider that limitations on direct access to the areas occupied by the basins would detract from the utility of the semi-natural greenspace.
97. Basin No 8 would lie within a larger area of amenity greenspace. Bearing in mind that events with no more than a 20% probability of occurring in any one year would have a drainage time of about 1.5 days, and allowing for the period of time when water would be entering the basin, it would not be under water for the majority of the year. I acknowledge that, after water subsides, the ground would remain damp for a time, particularly at the lowest part, and that there are likely to be less severe rainfall events than those assessed when part of the basin would accommodate water. Taking all these factors into account, I do not consider that basin No 8 would be likely to be inaccessible for informal recreation for prolonged periods of time. Moreover, this basin amounts to only 11.88% of the amenity greenspace proposed [37], and there would be other opportunities for informal recreation within the development if basin No 8 contained water or was too damp for use. I am satisfied that the inclusion of this attenuation basin within the amenity greenspace does not materially detract from its utility.
98. I conclude that the proposed development would provide a sufficient amount and quality of open space, in accordance with Policy OS11 of the CDLP and paragraph 91(c) of the NPPF.

Character and appearance

99. The proposed development would result in a major change to the character of this area of predominantly open land. Although there is an open aspect across the main part of the appeal site, it is unremarkable in appearance, comprising several large and low-lying fields on the edge of the built-up area [10, 12]. The land is contained to the north by existing housing in Beltinge and to the south by the A299, which is a strong physical feature cutting through the countryside. The open land between the site and the built-up area to the north-west is also proposed for development as part of site 3. Importantly, the principle of a major mixed-use development on this site has been established by its allocation as a strategic site in the CDLP [22]. I give limited weight to the loss of the open land at the appeal site.
100. That part of the site for which full planning permission is sought would have an average density of 34.09dph. Although approval is not sought for the layout of the remainder of the scheme at this stage, the amount of housing proposed in phases 2 and 4 would give an average density of 39.03dph [39]. In its second reason for refusal, the LPA had contended that the residential component of the scheme was over-dense, at 40dph. This is a reference to the outline part of the scheme only, and the original calculation of density based on the net development area [39]. However there is no longer any dispute between the

main parties on density: neither the approach to assessing density used by the Appellant, nor the densities for both the full and outline parts of the scheme, are disputed by the LPA. Moreover, the densities of the proposed housing lie within the range of densities calculated for existing residential areas to the north of the site [39].

101. In any event, density is but one factor to take into account in considering the effect of new development on its surroundings. The series of seven character areas, making use of local references, should help to create a sense of individual places within the overall development, and the disposition of green infrastructure, with areas of open space throughout the development, linked by green corridors and tree-lined roads [17], would reflect an important aspect of the CDLP's garden city principles.
102. It is intended that the proposed housing would be between two and three storeys in height, and no greater than 2.5 storeys close to existing properties. Materials used would reflect those found in the surrounding area. The greater part of the proposal is in outline form and details of the form and appearance of these phases are not for determination at present. However conditions which have been suggested concerning design codes, parameters for the outline phases [91], and requirements for reserved matters would ensure that the development proceeds in accordance with the intentions which have been set out for the appeal proposal.
103. With the safeguard of conditions to control the design of the outline phases, and to control the materials intended for use in phase 1 and the position of meter cupboards and other external equipment, I am satisfied that the scheme proposed would be an attractive place to live and work. I conclude that the proposed development would be in keeping with its wider surroundings, as required by Policy SP3 of the CDLP. In particular, the proposal would make efficient use of land, taking into account the character of the surrounding area and the importance of securing well-designed and attractive places in accordance with paragraph 122 (d) & (e) of the NPPF.

Affordable housing

104. Affordability is an issue in the District [23]. The representations of BVAG reflect this position, referring to the Group's knowledge of circumstances in the Beltinge area [75]. In response to the need for affordable housing, Policy HD2 includes an aspiration to achieve a level of 30% provision on all sites of 11 or more dwellings outside the area of outstanding natural beauty. The policy does not, however, preclude developments coming forward with a lower level of provision, provided that this is justified by a financial appraisal.
105. In this case, it is proposed that 10% affordable housing (up to 90 dwellings) be provided as part of the scheme, such provision to be secured by means of a planning obligation [6]. The viability of the scheme and its ability to support affordable housing has been the subject of discussions between the main parties, culminating in an agreed position of 10% in the planning statement of common ground [32].
106. The CDLP position derives from the Adams Integra report Viability Assessment of Strategic Sites in Canterbury District, which included an appraisal of site 3 [44]. Although the report considers that site 3 would be deliverable with 30%

- affordable housing, this conclusion carries the caveats that the appraisal was very high level and makes general assumptions about sales values and build costs.
107. The level of affordable housing now proposed is significantly lower than that envisaged in the CDLP and that previously offered by the Appellant [45]. A principal reason for this is the cost of over £58million now identified and agreed for financial contributions and abnormal/ infrastructure works [44], whereas the Adams Integra report included a sum of £12,540,000 for abnormal items with no specific reference to planning obligation monies. Included in the current higher costs is the contribution of almost £3million to the HRR, to be paid by the commencement of development. Consistent with the position taken by the Secretary of State in granting planning permission for a mixed-use development at Strode Farm (strategic site 5) [35], the contribution from the appeal proposal would provide the balance of monies required to deliver the relief road, a key element of infrastructure [24]. Contributions would also be made to other highways and transport measures, adult social care, community learning, Herne Bay Library, Beltinge Surgery, primary and secondary education, SAMMs, traffic regulation orders administration, and youth services.
108. The most recent appraisal prepared for the LPA (Carter Jonas, February 2021) takes account of the current level of costs associated with the appeal proposal, and supports the provision of affordable housing at 10% [66]. There was no up-to-date countervailing evidence before the inquiry, and I have reached the view that provision of affordable housing at a level of 10% is justified in this case.
109. The Local Plan seeks a mix of tenures in affordable housing to reflect local needs, and the proposed split of 70% rental and 30% intermediate accommodation would be consistent with the Local Plan [23]. I am mindful that the NPPF (at para 64) expects at least 10% of the housing within major development schemes to be available for affordable home ownership. That is equivalent to the total amount of affordable housing proposed, and would not be achieved at the appeal site. In this case, however, local circumstances are considered to justify a deviation from national policy expectation.
110. The site plan shows the affordable units located in different parts of phase 1, and most house types would also be used for open market housing. These factors reflect the CDLP's objective that affordable housing should be integrated into the layout of the development. This approach is also consistent with paragraph 62(b) of the NPPF which is concerned to secure mixed and balanced communities. The distribution and dwelling type of affordable units in subsequent phases would be subject to consideration as part of any reserved matters applications.
111. I conclude that, having regard to the viability of the development and the importance of the funding contributions which it would secure, the proposal would provide an appropriate amount of affordable housing, and would comply with Policy HD2 of the CDLP. However, given that the level of provision would be significantly less than the CDLP seeks, it is a factor which only merits limited weight in support of the scheme.

Sustainable infrastructure

112. When the LPA refused planning permission for the appeal proposal, its objection citing insufficient sustainable infrastructure referred specifically to solar panels and electric vehicle charging points. The application had been prepared on the basis of a fabric first approach to reduce energy demand and lower carbon emissions. Following proposals in the Future Homes Standard and Future Buildings Standard, which will require buildings to have a lower carbon footprint, it is now proposed that a range of energy efficiency measures and renewable technologies would be incorporated on dwellings and non-domestic buildings [47]. A condition is suggested which would require the use of photovoltaic panels or alternative renewable technology as part of each dwelling in phase 1 [47]. Insofar as the outline element of the proposal is concerned, conditions are suggested which would require the submission of an energy strategy for subsequent phases of the scheme, and evidence that non-domestic buildings would achieve at least a 'very good' BREEAM rating [91].
113. There is no policy in the Local Plan which makes specific reference to electric vehicle charging points. However, paragraph 110(e) of the NPPF says that, (within the context of promoting sustainable transport, avoiding unacceptable impacts on highway safety and severe residual cumulative impacts on the road network) applications for development should be designed to enable charging of plug-in and ultra-low emission vehicles in safe, accessible and convenient locations. Whilst there is no requirement for universal provision of charging points, national policy clearly supports their installation.
114. The appeal proposal would provide charging points for 20% of the dwellings and an additional eight communal points [48], a level which does not reflect the policy emphasis in favour of such provision in the NPPF. The limited level of provision is a consequence of the load which can be supplied by the existing electricity network [48]. It is the undisputed evidence of the Appellant that an upgrade sufficient to meet the load from the appeal proposal (whether active or passive) would cost an additional £3.9million. That would be a significant increase in costs above those already included in the viability appraisal (above, para 107). Should an upgrade to the electricity network occur in any event, a review mechanism in the planning agreement would provide for further charging points to be provided. I consider that this approach is a proportionate response to the particular circumstances of the proposed development.
115. The provision of electric vehicle charging points has potential benefits for air quality in the area, and is supported in the Council's Air Quality Action Plan. Air quality is a cause for concern in Herne, where an air quality management area has been declared [31]. The HRR would reduce traffic flows through the settlement, with a consequent improvement in air quality there, in line with Policy QL11. Moreover, I would expect the level of emissions to be lower on the new road where there would be fewer interruptions to the free flow of traffic. As the appeal proposal would play a key role in the delivery of the relief road, it would contribute to an improvement in air quality in this way. I acknowledge that the range of measures to promote sustainable transport, including a cycle purchase scheme and bus vouchers, and the installation of low NOx boilers would also play a part in reducing emissions and improving air quality [49].

116. Overall, I consider that the approach adopted to the appeal proposal would be consistent with Policy CC2 of the Local Plan which requires development to include proportionate measures to reduce carbon and greenhouse gas emissions.
117. Under Policy CC3, development on strategic sites is expected to provide site-wide local renewable or low carbon energy and/ or heat generation schemes, unless this would not be viable or feasible, or an alternative carbon reduction strategy would be more appropriate. The proposal includes an overall energy strategy which is focussed on achieving carbon reductions through measures to meet the Future Homes Standard and Future Buildings Standard in individual buildings, including greater fabric efficiency and the use of renewable energy technologies. Subject to conditions, as suggested above (para 112), the approach to reducing carbon emissions is agreed by the main parties, and I have no reason to take a different view. Accordingly I find no conflict with Policy CC3.
118. I conclude that the proposed development would include appropriate sustainable infrastructure.

Traffic movement

Traffic assessments

119. The proposed development is expected to generate 1,066 vehicle trips during the morning peak period and 821 during the afternoon peak [50], with vehicles joining and leaving the existing highway network at two junctions on Sweechbridge Road and through Altira Business Park [16, 17]. BVAG has raised several questions about the reliability of the modelling undertaken for the Appellant's Transport Assessment.
120. The Trip Rate Information Computer System (TRICS) was interrogated as part of the work in calculating residential trip generation, and I agree that it was appropriate to refer to a range of similar sites rather than rely on a potentially smaller number of sites within Kent. In any event, higher traffic flows calculated using the LHA's preferred trip rates were used in the assessment, and I note that the assessment was undertaken on the basis of 955 dwellings, whereas a maximum of 900 are now included in the appeal proposal. Those factors serve to increase the robustness of the modelling undertaken.
121. Insofar as route assignment is concerned, the model does include journeys to the north through Beltinge. These are a relatively small proportion, but assignment has been undertaken using the Google maps direction tool which reflects driver route choice. In their evidence to the inquiry, members of BVAG identified constraints in this direction, particularly along Reculver Road [71], whereas traffic is able to move freely and at greater speed along the A299, which is in the opposite direction and close to the appeal site [9]. These attributes of the local highway network support the assignment in the Transport Assessment.
122. I note that the approach to traffic generation and route assignment has been agreed by the LHA, which has made it clear, through the transport and highways statement of common ground, that the residual cumulative effects on the road network would not be severe [33]. I consider that the approach to modelling the effect of the appeal proposal on the local highway network is sound.

Construction traffic

123. The site is located close to the A299, and it is intended that construction traffic would predominantly make trips to and from the appeal site using the strategic road network, and not travel through the nearby residential areas to the north. The routing of construction traffic would be capable of control by condition. A suggested condition would require the approval and implementation of a CEMP for each phase of the development [91], and the CEMPs are expected to include arrangements for the management and routing of construction traffic.
124. A framework construction logistics plan sets out details of variations in routing as development of the site progresses [52]. Until the new westbound on-slip road is provided at the A299, HGVs would be directed to travel east in the first instance, thereby avoiding the potential reduction in highway safety and disruption to traffic flow which could be caused by their entry on to the main carriageway from a standing start. To ensure compliance with this intention, CCTV monitoring of the junction is proposed.
125. There is no proposal for CCTV to be used elsewhere for enforcement of construction traffic routing [70], but given the difficulties presented by on-street parking, vehicles turning into and out of side streets and service vehicles, illustrated in the videos presented by BVAG, together with the proximity of the A299 to the appeal site, I do not consider that travelling through Beltinge would be a route of choice for the drivers of construction vehicles.
126. The northern site access to phase 1 would be delivered at the outset of the development, and would be utilised by all construction vehicles, prior to the opening of May Street bridge. Before occupation of the 100th dwelling, a scheme to address the narrow section of Sweechbridge Road (which is the subject of a separate suggested condition and a planning obligation) would be implemented. Whilst the restriction on Sweechbridge Road would, therefore, not be resolved in the first instance, the existing situation would only remain for a limited period, before traffic numbers increased with the ongoing development and occupation of the site.
127. As development progresses and buildings are occupied, the site would generate trips to and from the residential phases of the scheme in addition to ongoing construction traffic. That would potentially be supplemented by construction traffic for the Kitewood land, access to which would be provided by the occupation of the 193rd dwelling. Shortly after this point had been reached, the May Street bridge would open to construction traffic, carrying vehicles in both directions, and southbound only by occupation of the 300th dwelling when it would also be available to other traffic. The availability of May Street bridge would avoid the need for all construction vehicles to use Sweechbridge Road, north of May Street, and it would also reduce the prospect of conflict between construction and residential traffic within the site. It is not intended that there would be any direct construction or operational vehicular access to the AE Estates land from the appeal site. The masterplan, which has been prepared in consultation with the promoters of the other parts of the strategic allocation, shows a vehicular access point to this part of site 3 from the Kitewood land, which would have a link to the appeal site [19]. Accordingly, the appeal proposal would not be an impediment to the development of either of the other parts of site 3.

128. The framework construction logistics plan is an agreed document between the main parties, being attached to the transport & highways statement of common ground. I would expect its contents to be taken into account in the preparation and consideration of any CEMPs for the proposed development. Subject to a condition requiring the preparation of CEMPs, I do not consider that construction vehicles travelling to and from the site would have an unacceptable impact on highway safety or interfere with the free movement of traffic.

Internal arrangements

129. There is much support within the local community for a new bridge over the railway to be built within the site. This was advocated at the inquiry by BVAG [72] and Sir Roger Gale MP [83], and it has also been mentioned in written representations from local residents [90]. A draft version of the Local Plan included an illustrative layout for site 3 which showed a new bridge over the railway, but that does not form part of the adopted CDLP [53]. Policy SP3 makes reference to infrastructure required in connection with the development of site 3, and that does not include a new bridge [22]. There is no policy requirement for an additional bridge to be provided at this strategic site.

130. May Street would provide an internal southbound link for vehicles. BVAG has suggested that trips to the northern part of the site, for example from the superstore at Altira Business Park, would be less straightforward. It is true that such journeys would be somewhat longer than those made in the opposite direction using May Street bridge, but whether drivers travel along the A299 or use the southern spine road, such trips would not be excessively long. Importantly, the restriction on northbound movement over May Street bridge would be unlikely to lead to drivers electing to travel from Altira Business Park or the southern part of the site via Beltinge. The nature of the route indicates that this would be a lengthier journey, as indicated by Ms Moody's video of a trip around the outskirts of the site.

131. Carriageway width would be reduced on May Street to provide both an off-set from the parapets and a footway. It would enable pedestrians and cyclists (dismounted northbound) to move in both directions and gain access to the facilities at the mixed-use hub. I do not consider that the proposals for the bridge would detract from connectivity within the site or from the surrounding area.

Sweechbridge Road

132. Policy SP3 specifies that there should be limited access to Sweechbridge Road [22]. That would clearly not be the case. A vehicular access to the highway network via Altira Business Park is intended to be provided by means of a separate planning application, prior to the occupation of the 125th dwelling on the southern part of the site⁶⁹. Both other accesses, including the only vehicular access to the northern land, would be from Sweechbridge Road. Containment of site 3 by housing and residential roads to the north and the A299 limits the

⁶⁹ The requirement for provision of the link to Altira Business Park by occupation of the 125th dwelling on the southern part of the site is contained in schedule 3 (part 4) of the planning agreement and a suggested condition. A separate obligation in schedule 3 (part 1) requires provision of the link by the exchange of contracts for sale of the employment area or occupation of 110 dwellings: given these trigger points it would not lead to the link coming forward at a later date.

opportunities for vehicular access points. Nevertheless, the proposal does not reflect this provision of Policy SP3.

133. To the north of the railway bridge is a narrow section of Sweechbridge Road, which is about 85m in length. As I observed on my site visit, there can be difficulties for two-way movement on this stretch of the road, particularly where larger vehicles are involved. In recognition of this constraint, alternatives of road widening and shuttle working with traffic signals have been put forward [54]. In the traffic signals scheme, the southbound stop line would be about 45m from the northern site access. Modelling results for the signals predict that with 300 dwellings, queuing on the northern side could extend for up to 11 pcus in the morning peak, and the Appellant's highways witness argues that the shuttle signals would operate efficiently and safely up to that point. Accordingly, May Street bridge would be opened for southbound general traffic by occupation of the 300th dwelling to provide an alternative route in that direction.
134. I agree that the availability of the May Street bridge would reduce the number of vehicles leaving the site at the northern access and turning right towards the railway bridge. However it is also the Appellant's evidence that the tenth car (pcu) in the southbound queue at the traffic signals would cause an obstruction at the new priority junction [54], and, bearing in mind the distance of about 45m from the signals, I share that view. That point would be reached with the occupation of the 193 dwellings in phase 1 dwellings, a stage of the development when May Street bridge would not necessarily be available for general traffic. I note that the traffic signals would be programmed to prioritise southbound traffic, and that it is expected that there would be only a short period of static queuing of up to 10 vehicles.
135. The southern access would be further from the signal-controlled section, and the maximum northbound queue expected with the full development in place would not extend back to the new roundabout. An assessment has also been made for development of the whole of site 3 which predicts a maximum queue of 15 pcus. Although this is based on the 1,300 dwellings referred to in Policy SP3 and not the higher number of 1,430 contained in the three current proposals [3, 19, 20], I acknowledge that the distance to the junction is sufficiently great to avoid queuing traffic interfering with the roundabout.
136. The option of shuttle working has been pursued as the Appellant was unsure as to whether it would be able to acquire the strip of land required to widen Sweechbridge Road. I was advised at the inquiry that the prospect of acquisition seemed more likely, and I note that widening to enable two-way traffic movements is the favoured approach of the LHA. Although the Appellant's highways witness made it clear that he considered both options to be acceptable, he also stated that, from a professional point of view, two way working without signals would be preferable to the signalised shuttle scheme. The suggested condition to secure improvement works is constructed so as to give preference to the widening option. I consider that this is the correct approach. Whilst the limited delays and obstruction which could be caused by the shuttle signals would not have a severe impact, they would interfere with the free movement of traffic and hence cause some limited harm.

Traffic movement through Beltinge

137. There would be no vehicular access from the appeal site to the residential roads to the north-west of the site, and bearing in mind the constraints of the local highway network [71], I consider that traffic without a local origin or destination in that direction would be unlikely to travel through Beltinge. Considering the appeal site alone, such journeys would be most likely to use local distributors of Sweechbridge Road and Reculver Road.
138. The proposals for the remaining part of site 3 both include vehicular access points from adjacent residential roads [19, 20]. As there would be a link from the appeal site to the Kitewood site and from there to the AE site, BVAG and local residents are concerned that journeys from the appeal site and local services in Beltinge and to Herne Bay would be made using these residential roads. Should planning permission be granted for the other sites with access into Beltinge, I anticipate that this would only appear as a convenient route for residents on the nearby part of the appeal site north of the railway. Moreover, the effect of traffic using those proposed accesses on the existing residential area, is a matter which I anticipate would be taken into account as part of the consideration of the schemes of which they form part.
139. The junction of Reculver Road and Mickleburgh Hill by Blacksole Bridge is a short distance to the west of the site. The Appellant acknowledges that there would be an increase in traffic movement through the junction as a consequence of the proposal, and modelling indicates potential significant queuing on the bridge arm from the eventual development of the whole of the site 3 allocation, However the appeal proposal itself would not materially alter the operation of the junction, with maximum queue length on the bridge, which is the worst performing arm, forecast to increase by only one pcu [56].

Other highway matters

140. The scheme includes upgrading of Bogshole Lane and part of May Street to provide a footway and cycleway connection to Altira Business Park. The vehicular access at this point is intended to come forwarded as a separate planning application. As the Appellant has the right to construct the link, and its provision is referred to in Policy SP3, I have no reason to doubt that it would be delivered. In any event, a condition is suggested which would require provision of this link prior to occupation of the 125th dwelling to the south of the railway.
141. The HRR is a key part of the infrastructure associated with development of the strategic sites, and, in addition to reducing traffic levels in Herne, would upgrade the A291 which is a main route between the A299 and Canterbury. The CDLP makes clear that development sites allocated in Herne Bay which would create additional traffic are required to contribute towards the cost of the relief road. It is acknowledged by the Appellant that the proposed development would generate trips to Canterbury, which is only about 13km from the site, and that the most appropriate route includes the A291 [9]. Funding has already been secured for part of the scheme from the Herne Bay Golf Course and Strode Farm strategic sites, and the balance is appropriately sought in relation to the development of site 3 at Hillborough. The required sum, of £2,878,000, is specified in the planning agreement. Although the appeal proposal would not account for the whole of the development on site 3, it would clearly represent the largest proportion, and payment of the whole of the balance would enable the relief road

to be progressed. I am satisfied, therefore, that it would be fairly and reasonably related in scale and kind to the proposed development.

142. As previously mentioned, the contribution to the HRR would be consistent with the position taken by the Secretary of State in granting planning permission for development at Strode Farm when overall funding for the scheme had not been resolved (above, para 107). The validation of the planning application for the appeal proposal was noted, comment having previously been made that there was strong justification for Hillborough to contribute to the Bullockstone Road Improvement Scheme (the part of the relief road covered by the planning obligation).
143. There are difficulties of traffic movement in Sturry associated with a level crossing on the A28. Traffic travelling to Canterbury from the proposed development would join the A28 in Sturry [9]. Although planning permission has recently been refused for a scheme for a relief road here [87], as the LHA continues to support the project, which is a proposal of the Local Plan, provision of a relief road cannot be discounted. In any event, it is the clear evidence of the LHA that the additional traffic generated by the proposed development would not have a material effect on the A28 in Sturry [82]. This view is consistent with the intention that financial support for this road would come from other strategic sites. Notwithstanding the concern expressed by a local resident at the inquiry [87], I do not consider that the current absence of planning permission for the Sturry Relief Road is an impediment to implementation of the proposed development.
144. The southwards continuation of Sweechbridge Road provides an alternative route between the appeal site and Canterbury [9]. There are narrow sections of road on this route and several bends, and because of the nature of the Hoath Road route it would not be appropriate for any material increase in traffic. Accordingly, a contribution of £30,000 is included in the planning agreement towards the cost of signage in relation to maximum speeds and restrictions for heavy goods vehicles. I consider that the measures proposed are necessary to discourage additional though traffic on this route.

Sites of nature conservation importance

145. The appeal site is within the 7.2km zone of influence of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar Site [11]. It is also about 5km from the Stodmarsh SPA, Ramsar Site and Special Area of Conservation where Natural England has concern about the effect of drainage from new development on water quality [30]. There are several other sites of international nature conservation importance within this part of Kent⁷⁰, but, in the light of the evidence submitted to the inquiry, it is the potential effects of the proposed development on the Thanet Coast & Sandwich Bay and Stodmarsh sites which are relevant to consideration of the appeal, and which are addressed in this report. As such, a Habitat Regulations Assessment is required to consider whether the development would be likely to have a significant effect on those sites.

⁷⁰ Information on other sites is provided in the Appellant's Statement of Information to Inform the Habitat Regulations Assessment (CD10.25) and in the LPA's Screening Matrix & Appropriate Assessment (CD8.10, Appendix 37).

146. The Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) (for plans and projects beyond UK territorial waters (12 nautical miles)) require that where a plan or project is likely to have a significant effect on a international site or international marine site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the international site, a competent authority (the Secretary of State in this instance) is required to make an appropriate assessment of the implications of that plan or project on the integrity of the international site in view of the site's conservation objectives.
147. The applicable international sites and their qualifying features are as follows:
- Thanet Coast and Sandwich Bay Special Protection Area (SPA), about 0.7km to the north. Qualifying features – golden plover (over winter), little tern (breeding).
 - Thanet Coast and Sandwich Bay Ramsar Site, about 0.7km to the north. Qualifying features - the site supports 15 British Red Data Book wetland invertebrates, and an internationally important population of turnstone.
 - Stodmarsh SPA, about 4.6km to the south-east. Qualifying features – bittern and hen harrier (over winter), godwall (breeding), godwall and shoveler (wintering).
 - Stodmarsh Ramsar site, about 4.6km to the south-east. Qualifying features - British Red Data Book wetland invertebrates, two nationally rare plants, five nationally scarce species, and a diverse assemblage of rare wetland birds: qualifying species – godwall, great bittern, northern shoveler and hen harrier.
 - Stodmarsh SAC, about 4.6km to the south-east. Qualifying features - Desmoulin's whorl snail.
148. The proposed development would generate disturbance that has the potential to affect the Thanet Coast & Sandwich Bay sites⁷¹ and the bird and invertebrate qualifying features of the sites. The impact pathway would be recreational pressure. In addition, the proposed development would produce wastewater that has the potential to affect the Stodmarsh sites⁷² and its qualifying features. The impact pathway would be hydrological connectivity.

Thanet Coast & Sandwich Bay sites

149. The proposed development would be a relatively short distance from these sites; the closest access points for pedestrians and by car are about 0.7km and 1km respectively. In view of their proximity to the land at Hillborough, it is reasonable to expect that the proposed residential development would lead to an increase in visitor numbers. Recreational activity, particularly walking with dogs, is liable to cause disturbance to birds, which are qualifying features of both the SPA and the Ramsar site.
150. Reculver Country Park is the section of the SPA closest to the appeal site. It is the undisputed evidence of the Appellant that the development would be likely to

⁷¹ Thanet Coast and Sandwich Bay SPA and Ramsar Site.

⁷² Stodmarsh SPA, Ramsar Site and SAC.

result in an increase in visitor numbers of only 1.08% per year, and that it would be unlikely to have a significant effect on the SPA and Ramsar sites alone⁷³. Evidence collected as part of the City Council's Strategic Access Management and Monitoring Plan (SAMMP) for the SPA and Ramsar sites indicates that 90% of regular visitors live within 7.2km of the boundaries of the international sites, and the cumulative effect with other housing proposals within this zone of influence, may have a significant effect on the foraging and breeding of the bird populations⁷⁴.

151. The conservation objectives of the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features.
 - The structure and function of the habitats of the qualifying features.
 - The supporting processes on which the habitats of the qualifying features rely.
 - The population of each of the qualifying features, and the distribution of the qualifying features within the site.
152. I understand that DEFRA and Natural England have decided not to produce conservation advice packages for the Ramsar site, and the Appellant considers that the conservation objectives for the SPA are relevant⁷⁵. I have no reason to take a different view.
153. The qualifying features of the Thanet Coast & Sandwich Bay SPA and Ramsar Site include important breeding and wintering bird populations. There is potential for significant effects on wintering birds in parts of the inter-tidal zone to which there is open access, and where significant turnstone feeding and golden plover roosting has been recorded. Elsewhere, access along the beach is difficult due to groynes, and pathways, which many visitors are expected to use, are above the coastal habitat. Disturbance from people and dogs can adversely affect feeding and breeding of the birds, and, where visitors deviate from paths, trampling of habitats could occur. These effects would be detrimental to the conservation objectives of the SPA and Ramsar site.
154. In order to avoid new development having an adverse effect, the SAMMP provides for mitigation measures, including ongoing monitoring and surveys, wardening, signage and interpretation, and increased education. Funding for these measures is provided by a tariff from new housing, and a planning obligation would provide for the contribution required. Natural England has advised that the proposal would not have likely significant effects on statutorily protected sites and that it has no objection (CD3.58). With the planning obligation in place to secure contributions to SAMM, I do not consider that the proposed development would pose a threat to the integrity of the Thanet Coast & Sandwich Bay SPA and Ramsar Site.

⁷³ CD10.25, table 7.1.

⁷⁴ CD10.25, para 18.5.

⁷⁵ CD10.25, Appendix D, table D.2.

Stodmarsh SPA, Ramsar Site and SAC

155. The proposed development would be about 5km from the Stodmarsh sites, and, at about 11km, the distance to the nearest public car park there would be greater. Moreover, access is largely restricted to pathways, there is limited access for dog walking, and stringent rules apply regarding dogs on leads⁷⁶. In these circumstances, I consider that there is little likelihood of increased visitor disturbance arising as a result of the proposed development.
156. The potential effect on water quality due to hydrological connectivity was discussed in detail at the round table session, in which representatives of Natural England, the Environment Agency and Southern Water participated. Natural England is concerned about the damaging effect of increased eutrophication, at Stodmarsh [79], which could occur from surface or foul water flows. Insofar as surface water is concerned, the appeal site is outside the Stour catchment [59]. Foul water would drain to May Street WWTW [77], which is covered by the investigation into the impact of water quality on the Stodmarsh designated sites [30]. The WWTW discharges water to the Hogwell Sewer and the River Stour, and from the latter it could pass into water bodies in the Stodmarsh sites. Wastewater arrives at the WWTW from two catchments and is discharged to two outlets in proportion to the inflow [77]. The proposed development would add to the wastewater received from catchment 1, and an equivalent proportion of treated material would discharge to the Hogwell Sewer. Southern Water explained that there is sufficient headroom to accommodate this arrangement for the foreseeable future. Should a change be sought, this would require variation of the permit for the WWTW, which would be the subject of consultation. A condition could be imposed to prevent any connection to the Kings Hall rising main which brings sewage to the WWTW from catchment 2. The evidence is clear that there would be no pathway for an additional amount of treated foul water arising from the proposed development to reach Stodmarsh, and, on this basis, Natural England has no outstanding concerns [79]. No likely significant effect would arise due to the proposed development on the appeal site.

Conclusions on international sites

157. I conclude that the proposed development has the potential, in combination with other proposals for new housing, to have a likely significant effect on the Thanet Coast & Sandwich Bay SPA and Ramsar Site, but that with mitigation in the form of SAMM contributions, it would not damage the integrity of these sites. I also conclude that the proposed development would not have a likely significant effect on the Stodmarsh SPA, Ramsar Site and SAC. These conclusions represent my assessment of the evidence presented to me, but do not represent an appropriate assessment as this is a matter for the Secretary of State to undertake as the competent authority.

Consistency with the Development Plan

158. Policy SP3 which relates specifically to the land at Hillborough, is not only one of the most important policies in respect of the appeal proposal, but, as it provides for development at the strategic sites, it is a key policy in the CDLP. In

⁷⁶ CD10.25, table 10.1.

- accordance with the policy, a masterplan has been prepared for the whole of the site 3 allocation, and, together with other supporting information, including the green infrastructure plan, it demonstrates garden city principles.
159. The policy sets out the components sought for a mixed-use development on site 3. For the most part the development would be consistent with these requirements. The amount of employment floorspace which would be provided as an extension to Altira Business Park, would be 27,000m², rather than 33,000m². On the other hand, there would be employment opportunities within other parts of the overall development, including the primary school, shops, and notably the care home (expected floorspace of 4,500m²). There would be no health care provision within the appeal site, but I note that the NHS has instead requested a financial contribution towards the extension of a local surgery to provide additional capacity [63], and arrangements for this, related to the number and size of dwellings in a phase, are included in a planning obligation. This obligation is consistent with the intention in Policy SP3 to make health care provision available in connection with the development, and it also complies with Policy QL8 which shares this aim.
160. Although access from Sweechbridge Road would not be limited, the proposal would provide for the highway infrastructure specified in relation to site 3, either directly or through contributions contained in planning obligations. Key amongst these is the contribution to meet the balance of the cost of the HRR, which is also a requirement of Policy T13. Overall, I consider that the benefits of bringing forward this strategic site and associated infrastructure clearly outweigh the shortfall in employment land.
161. The appeal proposal would not provide the 30% affordable housing to which Policy HD2 aspires. The reduced provision of 10%, however, is justified in viability terms in accordance with the policy, and the mix of tenures would reflect local needs.
162. The proposal would involve the loss of best and most versatile agricultural land, which covers 52.4% of the site [14]. Whilst Policy EMP12 seeks to protect this land, there is a significant amount in the District, and the presence of best and most versatile agricultural land was taken into account in the process of allocating sites for development.
163. Measures to support the use of alternative modes of transport to the car are included in the scheme, in line with Policy T1. These include the resurfacing of parts of Bogshole Lane and May Street to provide a pedestrian and cycle link through the northern part of the development to Altira Business Park, and the routing of a bus service through the site. The planning agreement includes obligations concerning the surfacing of the pedestrian and cycle ways, cycle and bus vouchers, payment of a bus stop contribution and provision of the bus services.
164. I have found the appeal proposal would include proportionate measures to reduce carbon and greenhouse gas emissions and it would, therefore, be consistent with Policy CC2. An alternative energy strategy to the provision of site-wide local renewable or low carbon energy and/ or heat generation schemes has been put forward, and there would be no conflict with Policy CC3. A sustainable drainage scheme would deal with surface water, in line with Policy CC11, and implementation could be secured by means of conditions.

165. Subject to mitigation involving the payment of a SAMM contribution, there would be no adverse effect on the integrity of the Thanet Coast & Sandwich Bay sites of international nature conservation importance. Nor do I consider that harm would be caused to the Stodmarsh designated sites. Accordingly the proposal would comply with Policies SP6 and LB5.
166. I consider that the development would appropriately take account of its surroundings, complying with Policy DBE3, and that, as required by Policy OS11, there would be appropriate provision of outdoor space.
167. Policy QL5 requires provision to be made for local community services within mixed use developments. The scheme would include land for a primary school, a community centre, and retail units in the mixed-use hub. In addition, a planning obligation would secure a contribution towards the cost of the new primary school.
168. There are several designated heritage assets in the surrounding area [11]. These are considered in the ES and the LPA's report on the planning application (CD4.5). The LPA has concluded that the development would preserve the setting of heritage assets in the locality, in line with Policy HE1, and there is nothing before me to indicate that a contrary view should be taken.
169. Part of the appeal site lies within a safeguarding area for brickearth [29]. However, Policy DM7 of the Minerals & Waste Local Plan explains that planning permission may be granted for development which would be incompatible with safeguarding where it constitutes development on an allocated site. The appeal site is allocated for mixed-use development in the District Local Plan, and the proposal complies with Policy DM7.
170. There are few instances where the appeal proposal would not align with relevant policies in the Development Plan. Conflict with Policy EMP12, which seeks to protect the best and most versatile agricultural land, is clearly outweighed by the allocation of site 3 for a mixed-use development. Although there would be a shortfall in employment land and access from Sweechbridge Road would not be limited, the proposal would comply with the other provisions of Policy SP3, and it would bring forward the greater part of one of the strategic sites in the Local Plan. I conclude that the proposed development would comply with the Development Plan considered as a whole.

Other matters

Housing land supply

171. The Appellant's evidence that there was about a five years' supply of housing land in the District, including a contribution from strategic sites [64], was not disputed by the LPA. Strategic site 3 forms part of Canterbury's overall housing land supply, and I note from the Local Plan that it had been expected to start providing new housing from 2018-19. The contribution of the development to housing supply adds important weight to the appeal proposal.

Co-ordinated development of site 3

172. Written representations from local residents have referred to the importance of ensuring that there would be a co-ordinated approach to the development of site 3 [90]. Although there are three separate proposals being put forward for the

site [3, 19, 20], a masterplan has been prepared for the whole allocation following liaison between the Appellant and the other promoters of development of land at Hillborough. The masterplan, submitted as part of the appeal proposal, includes internal access links between the appeal site and the other parcels. It also shows a primary school, community building and mixed-use hub within the appeal site, facilities which would be relevant to the whole of the strategic site. In addition, it is clear that the appeal proposal would provide the extension to Altira Business Park, the new west-facing on-slip road to the A299, and the balance of funding for the HRR, all important requirements of Policy SP3 of the CDLP [22]. It is not unusual for a major site to be brought forward by several developers, and I do not consider that the appeal proposal would prejudice a satisfactory form of development on the site as a whole.

Parking

173. BVAG has expressed concern about tandem parking at dwellings within phase 1, since this could give rise to on-street parking. This matter was raised by the LHA, which advised mitigation in the form of additional on-street visitor parking bays where tandem parking is proposed. Several on-street parking bays are included in the phase 1 layout, and the transport and highways statement of common ground comments that within phase 1 all internal street designs, including parking layout, have been agreed to provide a safe network suitable for adoption [33].

Local services

174. The effect on local facilities and services has been considered. The proposed development, with up to 900 dwellings, would add significantly to the population of Herne Bay, with a consequent need for additional levels of service provision. The County Council has requested land for a primary school, and contributions towards primary and secondary education, Herne Bay library, the community learning service, social care services, youth services, and the extension and/ or upgrading of Margate Household Waste Recycling Centre [86]. In addition, the NHS has sought a contribution towards local healthcare facilities. Planning obligations have been prepared to address these requests, with the exception of a contribution to the recycling centre. The financial contributions would be paid on the basis of the number of dwellings coming forward. As such, they are fairly and reasonably related in scale and kind to the development.

175. Insofar as household waste recycling is concerned, a contribution towards this service had been sought by the County Council, which explained that it would seek to negotiate planning obligations if a draft planning agreement were submitted [88]. Subsequently the Appellant has advised that discussions have taken place with the County Council to establish the degree to which improvements to off-site facilities should be made to mitigate the impact of the development, and that agreement has been reached on this matter [65]. The County Council is a party to the planning agreement which was concluded following submission of the Appellant's evidence. In the circumstances, I cannot conclude that a contribution towards household waste recycling would be necessary to make the development acceptable.

Protected species

176. There is evidence that a number of protected species use the appeal site [60]. Conditions have been suggested to secure mitigation, and I am satisfied that this safeguard would avoid an adverse effect.

Economic benefits

177. The planning statement of common ground refers to benefits arising from expenditure on construction and investment [31]. There is no detailed evidence to substantiate these matters. Moreover, they are generic benefits which would apply equally to any mixed-use scheme of a similar size in the District. I consider that these benefits of the proposal carry limited weight.

The NPPF

178. Paragraph 59 of the NPPF refers to the Government's objective to significantly boost the supply of homes, and paragraph 80 supports business investment and expansion. The NPPF also advocates (in paragraph 92(e)) an integrated approach to considering the location of housing, economic uses, and community facilities and services. This major mixed-use development, involving significant amounts of new housing and employment land, together with a range of community facilities, would align with each of these aspects of national policy. The development would not provide 10% of the housing for affordable home ownership, as sought by paragraph 64, but it does reflect local requirements for affordable homes within a reduced level of provision due to viability considerations.
179. A travel plan would encourage the use of alternative modes of transport to the car, and the scheme includes the establishment of pedestrian and cycle links and arrangements for a bus service. However, whilst a bus operator has stated its intention to provide a service through the development, there is no mechanism to ensure that this would be achieved, since the relevant planning obligation only requires that the owners support the provision of and use their best endeavours to secure the services. Appropriate opportunities to promote sustainable transport, referred to in paragraph 108(a) have not been fully taken up. Provision of electric vehicle charging points would be limited, and would not reflect the encouragement for their installation in paragraph 110(e) (above, para 109). The proposal would, though, comply with the other parts of paragraph 108 in providing safe and suitable access to the site, and by including mitigation for significant impacts on the highway network, notably through the contribution towards the HRR. It would not be unacceptable in respect of highway safety or traffic movement: the development would not, therefore be contrary to paragraph 109.
180. Most of the proposal is in outline form, but the information submitted indicates that the development would be a well-designed place. It should be visually attractive and sympathetic to its setting, and it would optimise the potential of the site to accommodate an appropriate amount of development, including green space, all in accordance with paragraph 127 (above, paras 100-103).
181. If significant harm to biodiversity cannot be avoided, paragraph 175(a) stipulates that planning permission should be refused. The Thanet Coast & Sandwich Bay SPA and Ramsar Site and the Stodmarsh SPA, Ramsar Site and

SAC are within the vicinity of the appeal site. Taking account of mitigation, I do not consider that the proposal would damage the integrity of the Thanet Coast & Sandwich Bay sites, nor that it would have a likely significant effect on the Stodmarsh sites (above, para 157).

182. I find that the proposed development would for the most part be consistent with policies in the NPPF, and that it would thereby reflect its economic, social and environmental objectives.

Planning obligations

183. I have already referred to obligations concerning highways and transportation contributions, sustainable transport measures, electric vehicle charging, air quality mitigation measures, contributions towards community services, SAMMs and affordable housing. A series of obligations concerning highway works are included in parts 1 & 4 of schedule 3. The works are necessary to provide for safe movement and pedestrian and cycle links, but in several instances there is overlap between the provisions of the obligations and possible conditions. Paragraph 21a-011 explains that where the same objective can be met by imposing a condition or by a planning obligation, the former should be used. On this basis, I consider that the obligations relating to the following highway works listed in the tables in parts 1 & 4 of schedule 3 are unnecessary:

Extract from the table in part 1 of schedule 3

Column 1 Number of Dwellings / Trigger Point	Column 2 Details of highways works
1 Dwelling in the Northern Area	Works in respect of Sweechbridge Road Priority Access Junction A excluding those works associated with the proposed shuttleworking lights generally as shown on drawing no. ITB8344-SK-036 Rev D and at reference location 1.1 on the Transport Measures Plan.
100 Dwellings in the Northern Area (unless delivered sooner by the Owners using reasonable endeavours).	Approved works in respect of the Sweechbridge Road signalisation scheme or the widening scheme to be open and available for public use and the Owners being possessed of the freehold title to the relevant land required for the approved works.

300 Dwellings in the Northern Area or 1 Dwelling in the Southern Area (whichever is soonest).	Works in respect of Sweechbridge Road Access Junction B as shown on drawing no ITB8344-SK-020 Rev C and at reference location 1.2 on the Transport Measures Plan.
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Extract from the table in part 4 of schedule 3

Column 1 Number of Dwellings / Trigger Point	Column 2 Details of works
193 Dwellings in the Northern Area or the date falling 24 months from the Commencement Date (whichever is the earliest).	Construction of access for construction vehicles during the construction phase from Sweechbridge Road to the Kitewood Land.
450 Dwellings in the Northern Area or the date of opening of the Primary School or Occupation of 1 Dwelling in the Southern Area (whichever is the earliest)	Construction of public vehicular access link to an adoptable standard from Sweechbridge Road to the Kitewood Land and made available for public use.
125 Dwellings in the Southern Area.	Construction of public vehicular access link to an adoptable standard from Sweechbridge Road to the Altira Business Park and made available for public use.

184. Highway works relating to the surfacing of Bogshole Lane and the link to Altira Business Park are also referred to in suggested conditions, but the provisions differ somewhat from the obligations. It is the obligations which reflect the position put forward at the inquiry, and I consider that these are necessary. Contributions towards the surfacing of a 500m stretch of footpath No CH56 and the administration of traffic regulation orders required to control traffic on May Street, Bogshole Lane and the link to Altira Business Park are an integral part of the package of transport measures to facilitate linkages within and around the site.

185. Obligations are provided to ensure the provision of the community building, sports pitches, and allotments, which would be important elements of the mixed-use development. Key components of the mixed-use scheme, specified in Policy SP3, are the mixed-use hub (referred to as a local centre in the planning agreement) and the employment area. Marketing strategies have a key role to play in delivering these parts of the development, and there are obligations to this end.
186. Other than where the particular obligations concerning highway works referred to earlier in this section are concerned, I consider that the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations are met, and that the provisions of the planning agreement are material considerations in this appeal.

Conditions

187. I have considered the suggested conditions (CD10.30) in the light of the advice in PPG and the discussion on conditions at the inquiry. In accordance with section 100ZA(5) of the Town & Country Planning Act 1990, the Appellant has agreed to those conditions which would be pre-commencement conditions (CD10.40).
188. I have already referred to conditions concerning design codes, parameters for the outline phases, requirements for reserved matters, materials, the position of meter cupboards and other external equipment, energy strategies, CEMPs, highway works, protected species, sustainable drainage, and the Kings Hall rising main. As I have mentioned above (para 183), there is an element of overlap between some of the suggested conditions and planning obligations relating to highway works, and where obligations replicate suggested conditions, conditions are to be preferred, in line with PPG. The suggested condition relating to the Thanet Way on-slip works is unnecessary as the requirement for this improvement is encompassed in a more extensive planning obligation which also refers to alterations to the westbound off-slip. With those caveats, I consider conditions on these matters to be necessary if planning permission is granted.
189. If the appeal is allowed and planning permission granted, it would also be appropriate for conditions on the following matters to be imposed. For the avoidance of doubt and in the interests of proper planning, it is important that the development is carried out in accordance with the specified plans. Given the size of the development it is appropriate that it proceeds in a phased manner, and reserved matters should reflect the masterplan and related site-wide plans to ensure that a co-ordinated approach to implementation of the scheme is achieved.
190. Conditions would be required to ensure the provision of open space, in line with Policy OS11 of the Local Plan, and its subsequent management. Archaeological remains have been found within and close to the site [14]; accordingly a programme of archaeological evaluation should be undertaken. To avoid pollution of the environment and to ensure that the site provides healthy living conditions, conditions should provide for the investigation and remediation of contamination. Details of foul water drainage should be submitted to ensure that the site is satisfactorily drained. To avoid pollution of groundwater, a condition should require approval for piling and other penetrative foundation construction.

191. Conditions would be required to protect existing trees to safeguard the character and appearance of the area, and for the same reason details for refuse storage and collection should be submitted for approval. In the interest of maintaining and enhancing biodiversity, including protected species, a biodiversity method statement, ecological design strategy, landscape and ecological management plan, and lighting strategy should be prepared for each phase of the development.
192. Some of the dwellings on the site would be close to the A229 or the railway line. A noise mitigation scheme should be submitted to secure satisfactory living conditions for future residents, and this should also address plant noise from employment and retail units. In line with Policy DBE5 of the Local Plan, which promotes inclusive design, details should be submitted of 20% of new homes meeting the accessibility and adaptable dwellings requirement of Regulation M4(2) of the Building Regulations. The provision of broadband supports sustainable development, and a condition should require details of broadband connection to all proposed buildings. A travel plan should also be required by condition, in order to promote sustainable transport modes in line with paragraph 108(a) of the NPPF.

Overall conclusions

193. I have found that the appeal proposal would comply with the Development Plan, considered as a whole. Other material considerations must also be taken into account, and some aspects of the proposal would cause limited harm. The development would result in the loss of the open landscape of the appeal site, and the best and most versatile agricultural land which lies within it. The principle of major development on the site is, however, established by its allocation under Policy SP3 in the Local Plan, and these harms are an inevitable consequence of that prior decision. If the shuttle signal scheme were implemented on Sweechbridge Road, that would interfere to a degree with the free movement of traffic. Delays, though, are not expected to be lengthy, and this is a matter to which I also accord limited weight. I conclude that these matters are insufficient to indicate that a decision should be taken other than in accordance with the Development Plan.
194. Moreover the development would bring forward the greater part of one of the strategic sites in the District. That is important for providing homes, including a proportion of affordable dwellings, and employment opportunities. Their provision, together with a range of community facilities and local services, would represent a sustainable form of development, in line with the policy objectives of the NPPF. Highway works outside the main site would bring important benefits to the wider community: I give significant weight to the contribution to the Herne Relief Road which would assist in alleviating congestion and improving air quality in Herne, and to the construction of a new westbound on-slip road to the A299 which would improve highway safety for all users of the junction with Heart in Hand Road. In addition the economic benefits of additional expenditure and investment generated by the development merit some limited weight in its support. I conclude that these matters clearly outweigh the limited harms associated with the proposed development, and that the balance lies in favour of the grant of planning permission.

Recommendation

195. I recommend that the appeal be allowed, and that planning permission be granted subject to the conditions in schedule 1 of the Annex to this report.

Richard Clegg

INSPECTOR

ANNEX

SCHEDULE 1 - SUGGESTED CONDITIONS

Conditions relating to the full planning permission (phase 1)

- 1) The development hereby permitted identified within the 'Phase 1 Application Boundary' (the full application boundary) on Phase 1 Site Location Plan drawing ref LON.0709_13 Rev R shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted identified within the 'Phase 1 Application Boundary' (the full application boundary) on Phase 1 Site Location Plan drawing ref LON.0709_13 Rev R shall be carried out in accordance with the plans and documents listed in schedule 2.
- 3) No development within phase 1 (as shown on the indicative phasing plan ref LON.0242_37 Rev J) of the development hereby permitted shall commence until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The detailed drainage scheme shall be consistent with the approved surface water drainage strategy approved under condition No 56, and shall demonstrate that the surface water from the developed site (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated without an increase to flood risk on or off-site. The drainage scheme shall also include:
 - i) The condition of culverts downstream of the phase where any additional outfall to these assets is proposed.
 - ii) Arrangements for the management of silt and pollutants to ensure that there is no pollution risk to receiving waters.
 - iii) A timetable for implementation of the scheme.
 - iv) A management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout the lifetime of the development.

The approved surface water drainage system shall be implemented and thereafter managed and maintained in accordance with the approved scheme and timetable.

- 4) The tree retention and tree protection measures for phase 1 of the development hereby permitted shall be carried out in accordance with the submitted Biodiversity Method Statement ref CSA/2318/16 June 2018 and plan ref 9002/02 Revision A.
- 5) None of the dwellings in phase 1 shall be occupied until a timetable for implementation of ecological mitigation and management measures, including the ongoing maintenance and monitoring schedules for habitats within the site, has been submitted to and approved in writing by the local planning authority. The mitigation and management measures shall be carried out in accordance with the submitted Ecological Design Strategy ref CSA/2318/17 June 2018, the Biodiversity Method Statement ref

CSA/2318/16 June 2018, the Phase 1 Landscape and Ecological Management Plan ref LON.0709_31 and the Landscape and Habitats Plan ref LON.0242_54 and the approved timetable, and shall thereafter be retained.

- 6) None of the dwellings in phase 1 shall be occupied until a timetable for implementation of a lighting strategy, has been submitted to and approved in writing by the local planning authority. Lighting for phase 1 of the development shall be installed in accordance with the submitted Street Lighting Strategy ref T306/40 Revision H and the approved timetable, and shall thereafter be retained.
- 7) Prior to the occupation of 80% of the dwellings within phase 1 of the development hereby permitted, the public open space landscape works, including the provision of open spaces, hard and soft landscaping works, street furniture, provision of play equipment and surface regrading, shall be carried out fully in accordance with the submitted proposals on drawing ref LON.0709_11 Rev B.

Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 8) The proposed soft landscaping planting for each dwelling within phase 1 shall be carried out in accordance with the following on-plot planting plan drawings prior to the occupation of the dwelling to which they relate:
LON.0709_10 Rev D Sheet 1
LON.0709_10 Rev D Sheet 2
LON.0709_10 Rev D Sheet 3
LON.0709_10 Rev D Sheet 4.
- 9) The landscape management for phase 1 of the development hereby permitted, including the ongoing maintenance requirements of all areas of public open space, play areas, attenuation basins and woodland, shall be carried out in accordance with the Landscape and Ecological Management Plan ref LON.0709_31 June 2018.
- 10) Prior to the first occupation of any dwelling within phase 1 of the development hereby approved, the northern site access from Sweechbridge Road shall be constructed to an adoptable standard in accordance with drawing ITB8344-SK-36 REV D and made available for public use.
- 11) Prior to the occupation of 100 dwellings within phase 1 of the development hereby approved, highway works to Sweechbridge Road shall be carried out and made available for public use in accordance with a scheme which has been submitted to the local planning authority prior to the occupation of 50 dwellings in phase 1, and approved in writing by the local planning authority. The scheme shall involve either:
 - i) The widening of Sweechbridge Road to allow two-way working for the entirety of the section of public highway between the northern site access and the Sweechbridge Road bridge without the use of signalised shuttle working, or
 - ii) The Sweechbridge Road signalised shuttle working scheme as indicatively shown on drawing ITB8344-SK-039 Rev E.

Should the scheme submitted involve signalised shuttle working, it must have been agreed by the local planning authority, prior to the occupation of 50 dwellings, that the widening option cannot be achieved.

- 12) Prior to the first occupation of each of the dwellings within phase 1 of the development hereby permitted, the area shown on the approved drawing LON.0709_19-01 Rev B for the parking and manoeuvring of vehicles to serve that dwelling shall be laid out and thereafter kept available for the parking and manoeuvring of vehicles.
- 13) Prior to the first occupation of each of the dwellings within phase 1 of the development hereby permitted, cycle parking facilities to serve that dwelling shall be provided in accordance with details which have been submitted to, and approved in writing by, the local planning authority.
- 14) Prior to the first occupation of each of the dwellings within Phase 1 of the development hereby approved, the following works shall be completed between the dwelling and the public highway in accordance with drawing LON.0709_01 REV AB:
 - i) Footways and/or footpaths, with the exception of the wearing course.
 - ii) Carriageways, with the exception of the wearing course, including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and any highway structures.

The wearing course of the highway shall be completed prior to the occupation of the 190th dwelling within the phase.

- 15) The visitor parking provision within phase 1 shall be fully provided in accordance with drawing LON.0709_01 REV AB prior to the occupation of 90% of the dwellings within the phase. The visitor parking provision shall thereafter be maintained and kept available for the parking of vehicles of visitors to the development.
- 16) The bin collection points shown on the refuse strategy layout ref LON.0709_14 revision R shall be provided before the first occupation of the dwellings which they serve. They shall thereafter be retained and kept available for the purpose of refuse collection.
- 17) The external surfaces of buildings in phase 1 shall not be constructed until details of a schedule of materials to be used in their construction have been made available to and approved in writing by the local planning authority. The development of the phase shall be carried out using the approved materials.
- 18) The external surfaces of buildings in phase 1 shall not be constructed until a 1m² sample of brickwork to show coursing, depth, profile, brick bond, the details of mortar mix and type and style of pointing, has been built on the site and approved in writing by the local planning authority. The development shall be carried in accordance with the approved brickwork sample.
- 19) No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation fronting a highway, with the exception of terraced dwellings.

- 20) None of the dwellings in phase 1 shall be constructed until details of the renewable technology measures to be used in their construction have been submitted to and approved in writing by the local planning authority. The measures shall include the use of photo-voltaic panels for each dwelling, unless it is demonstrated that they will not be appropriate for identified dwellings due to their specific circumstances, in which case alternative forms of renewable technology, to result in an equivalent or greater reduction of carbon emissions, shall be used. The construction of each dwelling within the phase shall be carried out in accordance with the approved measures.

Conditions relating to the outline planning permission (phases 2 & 4)

- 21) Approval of the details of the layout, scale and appearance of the development, the access within the site and the landscaping of the site (hereinafter called the 'reserved matters') on land within the 'outline planning application boundary' (the outline application boundary) on drawing ref LON.0242_24-04 Rev A shall be obtained from the local planning authority in writing before any development of those phases is commenced.
- 22) The first application for approval of reserved matters for the development hereby approved shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
- 23) The final application for the approval of reserved matters for the final phase of the development (in accordance with the phasing plan approved under condition 50) shall be submitted to the local planning authority no later than 10 years from the date of this permission.
- 24) Each phase of development hereby permitted on land identified within the outline application boundary on site boundaries drawing ref LON.0242_24-04 Rev A shall be begun before the expiration of 2 years from the date of approval of the final reserved matters to be approved for that phase.
- 25) The development hereby permitted shall be carried out in accordance with the following plans, in respect of those matters not reserved for later approval:
- | | |
|---|------|
| Site location plan LON.0242_24 Rev P | Site |
| location plan (Sweechbridge access south) ITB8344-SK-051 | |
| Sweechbridge Road / Heart in Hand Road Roundabout ITB8344-SK-020 | |
| Plan 4 Rev C | |
| A299 Thanet Way Junction Improvements ITB8344-SK-017 Plan 1 Rev B | |
| A299 Thanet Way Junction Improvements ITB8344-SK-037 | |
| Parameter Plan: Land Use & Building Height LON.0242_34 Rev P | |
| Parameter Plan: Access and Movement LON.0242_36 Rev L | |
| Parameter Plan: Green Infrastructure LON.0242_35 Rev L | |
| Schedule of TROs T306/41 Rev D | |
- 26) The development hereby approved (excluding phase 1) shall comprise:
- A maximum of 707 dwellings
 - No less than 27,000m² of floorspace falling within Use Classes B1(a), B1(c), B2 and B8 with associated parking spaces
 - No more than 4,500m² of floorspace comprising up to 80 bedrooms falling

within Use Class C2 with associated parking spaces

Three units each of up to 300m² of floorspace falling within Use Classes A1, A2, A3 or A5; and one of no more than 500m² of floorspace falling within Use Class A1

No less than 550m² of floorspace within Use Class D1

No less than 2.05ha of land for a primary school including 1.02ha of playing fields

- 27) The details submitted pursuant to condition No 21 shall show the building dimensions not exceeding those included within the approved building heights parameter plan (drawing number LON.0242_34 Rev P). The residential building heights shall predominantly be a maximum of two-storeys, unless justification is provided for the greater height proposed up to the maximum height included on the approved building heights parameter plan.
- 28) The reserved matters submissions shall be substantially in accordance with:
Masterplan LON.0242_55 Rev W
Landscape masterplan LON.0242_39 Rev F
Green infrastructure plan LON.0242_53 Rev C
Access strategy T306/17 Rev.
- 29) The reserved matters for any phase of development shall be prepared in accordance with a design code for that phase which has been submitted to and approved in writing by the local planning authority. The design code shall be prepared in accordance with the principles and parameters established by the Design and Access Statement and Design Code June 2018, the masterplan LON.0242_55 Rev W and the Open Space Strategy approved under condition 15 and shall include:
- i) Character, mix of uses, heights, structure of public spaces, density and typologies including primary frontages and pedestrian access points.
 - ii) The proposed movement network including the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to development layout, treatment of non-vehicular routes and car and cycle parking.
 - iii) Street cross sections including tree planting, species, underground utility trenches and on-street parking.
 - iv) Key groupings and other key buildings (height, scale, form, enclosure, materials and design).
 - v) External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves and verges and rainwater goods.
 - vi) The proposed layout, use and function of all open space.
 - vii) The design approach for areas within the public realm including landscaping, structural planting and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment.
 - viii) Details of any public art.

- ix) The design principles for the incorporation of a sustainable urban drainage system.
 - x) The conceptual design and approach to the lighting strategy and how this will be applied to different areas of the site with different lighting needs, so as to maximise energy efficiency, minimise light pollution and avoid street clutter.
 - xi) Servicing, including utilities, design for the storage and collection of waste and recyclable materials.
 - xii) The design principles that will be applied to encourage security and community safety.
- 30) Each reserved matters application shall be accompanied, as appropriate, by the following information:
- i) A design statement that demonstrates how the proposals accord with the approved parameter plans and design code and in the case of any variation explains the reason for that change and the nature of the change.
 - ii) Details of measures to minimise opportunities for crime.
 - iii) In relation to the matter of access: details (including specifications) of the access to that phase, and within the phase for vehicles, cycles and pedestrians (including Access for All standards).
 - iv) Details of the market and affordable housing mix, including the location of affordable housing, which shall meet the local housing needs in accordance with the Canterbury District Local Plan and be provided proportionally throughout the site.
 - v) Measures that demonstrate how the phase will positively contribute to the objectives of the sustainability strategy.
 - vi) Measures that demonstrate how the phase will meet garden city principles as set out in the Canterbury District Local Plan.
 - vii) Measures that demonstrate how the phase will accord with the open space strategy approved under condition No 34.
- 31) In relation to the matter of layout the reserved matters shall include:
- i) Details of the siting and orientation of the proposed buildings and any relevant roads, as well as the location of any landscaped or open space areas.
 - ii) Details of any necessary temporary layout associated with boundary treatment and condition between the phases or construction routes through the site.
 - iii) Details of parking areas for all uses to be in accordance with the standards set out in Policy T9 and Appendix 4 of the Canterbury District Local Plan, servicing areas, and plant areas.
 - iv) Details of cycle parking for all uses to be in accordance with the standards set out in the Kent Design Guide Interim Guidance Note 3.
 - v) Details of any public rights of way affected by the proposal.

- vi) Details and specification (including cross sections if necessary) of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels.
 - vii) Details of refuse storage, including for recyclable material, and point of collection, for all residential and commercial buildings.
 - viii) The width and configuration of proposed carriageway layouts including any footways and verges.
 - ix) The width and configuration of footpaths and cycleways.
 - x) The layout and configuration of junctions and roundabouts within the site.
 - xi) The layout of street lighting.
 - xii) The layout and configuration of surface water sewers, drains and outfalls serving the highway.
 - xiii) The layout and configuration of retaining walls and highway supporting structures.
 - xiv) The layout of service routes and corridors within highways.
 - xv) Identification of any vehicle overhang margins, embankments, visibility splays, property accesses, carriageway gradients, driveway gradients, car parking and street furniture.
 - xvi) Details of the proposed vehicular and pedestrian access points to surrounding development.
 - xvii) Details of refuse vehicle tracking.
- 32) In relation to scale and appearance the reserved matters shall include:
- i) Details of building heights and massing.
 - ii) Details of the internal layout of buildings with amount of internal floorspace.
 - iii) Details of the external treatment and design of the buildings.
 - iv) Details of finished floor levels.
- 33) In relation to the matter of landscaping the reserved matters shall include:
- i) Plans, drawings, sections, and specifications to explain full details of the hard and soft landscaping treatment and works including materials (size, type and colour), proposed drainage arrangements, children's play equipment, street furniture, lighting columns/brackets, private and communal areas, open spaces, edges, boundary treatments, public rights of way and roads in accordance with the open space strategy.
 - ii) Tree planting details and specification of all planting in hard and soft landscaped areas.
 - iii) Details of the programme for implementing the planting.
- 34) No occupation within a phase as approved under condition 50 (excluding phase 1) shall commence until an open space strategy for that phase has been submitted to and approved in writing by the local planning authority.

The open space strategy for that phase shall be broadly in accordance with the masterplan LON.0242_ 55 Rev W and shall:

- i) Identify the approximate location of the main areas of formal and informal open space to be provided and set out a programme for its delivery.
- ii) Outline the local play space and the distribution of play areas within the development and set out a proposed sequence for their delivery.
- iii) Set out a proposed programme for delivery of the area of allotments within the site, if included within that phase, and proposals for future management of the allotment area.

The development and delivery of open spaces shall be carried out in accordance with the approved open space strategy.

- 35) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until a landscape and open space management plan for that phase has been submitted to and approved in writing by the local planning authority. The plan shall provide for:

- i) A description and evaluation of features to be managed.
- ii) A detailed specification for any equipped play area.
- iii) The aims and objectives of management and maintenance.
- iv) Management responsibilities and prescriptions, and maintenance schedules for achieving those aims and objectives.
- v) Details of the organisation responsible for implementation of the landscape and open space management plan.

The development shall be carried out in accordance with the approved details. The public open spaces shall be laid out and implemented in accordance with the programmes approved under condition 34, and shall be retained thereafter in accordance with the landscape and open space management plan and used for public amenity purposes only.

- 36) No development shall take place within any phase as approved under condition No 50 (excluding phase 1) as shown on the indicative phasing plan ref LON.0242_37 Rev J until a detailed surface water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme for each phase shall be in accordance with the site-wide surface water drainage strategy approved under condition 56, and shall include:

- i) The location, design and capacity of proposed sustainable drainage systems within the phase.
- ii) A timetable for implementation of the scheme.
- iii) A management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the surface water drainage system throughout the lifetime of the development.

Within each phase of development, the surface water drainage system shall be implemented and thereafter managed and maintained in accordance with the approved scheme and timetable.

- 37) No site clearance, preparatory work or development shall take place within any phase as approved under condition 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until a tree survey report has been submitted to, and approved in writing by, the local planning authority. The report shall contain a schedule and plan(s) showing the position of every tree and hedgerow on the land within that phase and on adjacent land that could influence or be affected by the development, indicating which trees and hedgerows are to be removed and which trees are to be retained.
- 38) No site clearance, preparatory work or development shall take place within any phase approved under condition No 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until a biodiversity method statement for that phase has been submitted to, and approved in writing by, the local planning authority. The statement shall be prepared in accordance with the Biodiversity Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/05 of June 2017, and the Biodiversity Method Statement for Land at Hillborough by CSA Environmental ref CSA/2318/16 of June 2018, and shall include:
- i) The purpose and objectives for the proposed works.
 - ii) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated ecological surveys where necessary.
 - iii) The extent and location of proposed works, including the identification of suitable receptor sites.
 - iv) A timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - v) Details of the persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works.
 - vi) The use of protective fences, exclusion barriers and warning signs.
 - vii) Initial aftercare and long-term maintenance, where relevant.
 - viii) Disposal of any wastes arising from works, where relevant.

The development shall be carried out in accordance with the approved biodiversity method statement and timetable, and the approved measures shall be retained thereafter.

- 39) No site clearance, preparatory work or development shall take place within any phase as approved under condition No 50 (excluding phase 1 as shown on the indicative phasing plan ref LON.0242_37 Rev J) until an ecological design strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy shall identify ecological enhancements within the phase and shall be prepared in accordance with the Biodiversity Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/05 of June 2017, and the Ecological Design

Strategy for Land at Hillborough by CSA Environmental ref CSA/2318/17 of June 2018, and shall include:

- i) The purpose and conservation objectives for the proposed works.
- ii) A review of site potential and constraints.
- iii) Detailed design(s) and/or working method(s) to achieve the stated objectives.
- iv) The extent and location of the proposed works.
- v) The type and source of materials to be used.
- vi) A timetable for implementation, demonstrating that works are aligned with the phasing of development.
- vii) Details of the persons responsible for implementing the works.
- viii) Details of initial aftercare and long-term maintenance.
- ix) Details for monitoring and remedial measures.
- x) Details for disposal of any wastes arising from works, where relevant.

The development shall be carried out in accordance with the approved ecological design strategy and timetable, and the approved measures shall be retained thereafter.

- 40) Prior to the occupation of any development within a phase as approved under condition 50 (excluding phase 1) a landscape and ecological management plan (LEMP) for the phase shall be submitted to and be approved in writing by the local planning authority. The content of the LEMP shall include the following:

- i) A description and evaluation of features to be managed.
- ii) Ecological trends and constraints on site which would influence management.
- iii) The aims and objectives of management.
- iv) Options for achieving aims and objectives in (iii) including a sensitive lighting strategy.
- v) Prescriptions for management actions.
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii) Details of the organisation responsible for implementation of the plan.
- viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The development shall be implemented in accordance with the approved LEMP.

- 41) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until a lighting strategy for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall be substantially in accordance with the Biodiversity Strategy ref CSA/2318/05 June 2017 and shall:
- i) Take into account measures described in the construction environmental management plan.
 - ii) Identify those features on site that are particularly sensitive for bats and other nocturnal species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory.
 - iii) Identify principles of how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
 - iv) A timetable for implementation.
- All external lighting within the phase shall be installed in accordance with the approved strategy and retained thereafter.
- 42) Prior to the occupation of any of the development hereby approved located to the south of the railway line, or the completion of works to May Street bridge in accordance with condition 43 and its opening for public use, whichever is the sooner, the southern site access from Sweechbridge Road shall be constructed to an adoptable standard in accordance with drawing ITB8344-SK-20 Rev C and made available for public use.
- 43) The works to May Street bridge as indicatively shown on drawing T306/71 Rev B, along with a connection to the southern site access shown in drawing ITB8344-SK-20 Rev C, shall be carried out to an adoptable standard and made available for public use prior to the occupation of the 300th dwelling within the development hereby permitted.
- 44) No reserved matters application for development south of the railway shall be submitted until details of the vehicular link from May Street to The Boulevard, together with the proposed measures to restrict access for heavy goods vehicles, have been submitted to and approved in writing by the local planning authority. The approved vehicular link shall be provided in accordance with the approved details to an adoptable standard and made available for public use prior to the occupation of the 125th dwelling south of the railway line.
- 45) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until details of the locations of any bus stops within the phase have been submitted to and approved by the local planning authority. The details shall demonstrate that the bus stops will be sited to ensure no dwelling is more than a 400m walking distance from a bus stop. The bus stops shall be provided within the phase prior to the occupation of 80% of the dwellings within the phase.

- 46) The development of each phase (excluding phase 1) shall be carried out in accordance with an energy strategy which has been submitted with the reserved matters application, and approved in writing by the local planning authority. The energy strategy shall be prepared with regard to the principles contained within the Sustainability Statement dated June 2017, and it shall include details of the overarching strategy for energy and heat delivery to the phase, measures to minimise the demand for energy, energy efficiency measures and the use of renewable energy.
- 47) Each non-residential element of the development shall be implemented in accordance with details concerning BREEAM certification which have been submitted with a reserved matters application and approved in writing by the local planning authority. The details shall include evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available,) indicating that the non-residential elements of the development can achieve a minimum final BREEAM level of 'very good' and providing evidence if an 'excellent' rating cannot be achieved.
- 48) No development within a phase as approved under condition 50 (excluding phase 1) shall be first occupied until the details and location of the refuse storage and collection points has been submitted to and approved by the local planning authority. No dwelling shall be first occupied until the refuse storage and collection points to serve the dwelling have been provided. The communal refuse collection areas shall thereafter be retained and kept available for the purposes of refuse collection.
- 49) The care home hereby permitted shall be used solely as a care/ nursing home to be occupied by individuals (and carers/ partners) who require constant supervision and assistance, or individuals referred to residential nursing care for medical reasons, and for no other purpose including any other purpose in Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (as amended), or in any provision equivalent to that use class in any statutory instrument revoking and re-enacting that Order.

Conditions relating to both the full and outline planning permissions

- 50) No development shall take place until a phasing plan, which shall be broadly in accordance with the indicative phasing plan ref LON.0242_37 Rev J, has been submitted to and approved in writing by the local planning authority. The phasing plan shall include justification for the proposed phases, the timescale for the delivery of the development, and the order of the delivery of the proposed phases. The development shall be carried out in accordance with the approved phasing plan.

All reserved matters submissions shall accord with the phasing plan as approved by the local planning authority. Any references to a phase of the development within this permission shall be taken to be a reference to phases as identified on the approved phasing plan submitted under this condition.

- 51) The development hereby permitted shall include no less than 18.51ha of open space (excluding 1.02ha of school playing fields) comprising a minimum of:
- i) 0.66ha of parks and gardens.
 - ii) 2.87ha of green corridors.
 - iii) 3.03ha of amenity open space.
 - iv) 0.69ha of play areas.
 - v) 2.04ha of space for outdoor space, comprising two playing pitches.
 - vi) 8.86ha of semi-natural space.
 - vii) 0.36ha of allotments.
- 52) No development shall take place within any phase, as approved under condition No 50, until a programme of archaeological investigation has been undertaken in accordance with a scheme which has been submitted to, and approved in writing by, the local planning authority. The scheme shall include a timetable for the programme of investigation and arrangements for post-excavation assessment, analysis, publication and archiving.
- 53) No development shall take place within any phase, as approved under condition No 50, until a scheme to deal with the risks associated with contamination has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
- i) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation programme, based on (i), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of any remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - v) A timetable for implementation of the works involved in parts (i)-(iv) of this condition.

The development shall be carried out in accordance with the approved scheme and timetable.

- 54) Where the production of a verification plan is required in accordance with condition 53, no development within the relevant phase shall be occupied until the verification report demonstrating completion of the works set out in the approved remediation strategy has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 55) If, during the course of construction of the approved development, contamination not previously identified on the site is found to be present the occurrence shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended. A risk assessment shall be carried out and submitted for the written approval of the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted for the written approval of the local planning authority. No development or relevant phase of development shall be resumed or continued until the risk assessment and, if required, remediation and verification schemes have been approved by the local planning authority and the schemes carried out in full accordance with the approved details.
- 56) No development shall take place within any phase as approved under condition No 50, until a site-wide surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The strategy shall include:
- i) Methods to manage surface water run-off up to the 1:100 year event plus climate change, so as not to exceed run-off from the undeveloped site following the corresponding rainfall event.
 - ii) Methods to delay and control the surface water discharged from the site in order to mitigate the risk of surface water flooding on the site, avoid increasing flood risk downstream, and prevent pollution of the receiving groundwater and/or surface waters.
 - iii) A management and maintenance plan, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout the lifetime of the development.
 - iv) A timetable for implementation.
- The development shall be carried out in accordance with the approved strategy and timetable.
- 57) No development shall take place within any phase as approved under Condition No 50, until a site-wide foul water drainage strategy has been submitted to, and approved in writing by, the local planning authority. The foul water drainage strategy shall not propose any link to May Street Waste

- Water Treatment Works via the Kings Hall Water Pumping Station or Kings Hall Rising Main. None of the development in a phase shall be occupied until the foul water drainage strategy has been implemented in that phase.
- 58) No development shall take place within any phase as approved under Condition No 50, until a detailed foul water drainage scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The scheme for each phase shall be in accordance with the site-wide foul water drainage strategy approved under condition 57. None of the development in a phase shall be occupied until the foul water drainage scheme has been implemented in that phase.
- 59) No development shall take place within any phase as approved under condition No 50, until details of measures to protect any public foul sewer within that phase, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved measures and timetable.
- 60) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 61) No development shall take place within any phase as approved under condition No 50, until a construction environmental management plan (CEMP) for that phase has been submitted to, and approved in writing by, the local planning authority. The CEMP shall include:
- i) The management and routing of construction traffic including: the location of access points for site traffic, routes within the site to be kept free of obstruction, details of the routing of construction traffic to other parts of strategic site 3, parking arrangements for construction vehicles and vehicles of site operatives and visitors, directional signage on and off-site, measures to control the use of May Street bridge for construction vehicles, and arrangements for heavy goods vehicles leaving the site to access the A299 by the eastbound on-slip road at the junction with Heart in Hand Road/ Sweechbridge Road until improvements to the westbound on-slip road have been made.
 - ii) A travel plan for construction workers.
 - iii) Wheel washing measures.
 - iv) Arrangements for the loading and unloading of plant and materials.
 - v) The location and size of site compounds and areas for storage of plant and materials.
 - vi) The location and form of temporary buildings and temporary lighting, and details of the erection and maintenance of security hoardings.
 - vii) Arrangements for the safe storage of any fuels, oils and lubricants.
 - viii) A scheme to control surface water run-off, prevent surface water discharges onto the highway, prevent pollution, and manage flood risk.

- ix) A scheme for recycling and the disposal of waste resulting from construction works.
- x) A scheme for the handling and storage of topsoil.
- xi) Measures, including the construction of exclusion zones, to prevent soil compaction in large scale planting areas, and measures to remediate soil compaction.
- xii) Details of measures to protect trees and hedgerows.
- xiii) A scheme for the protection of areas of ecological interest and mitigation of any harm to such areas, including timing of works and precautionary work practices.
- xiv) Measures to control the emission of dust and dirt during construction.
- xv) Measures for the control of noise and vibration during construction, including delivery and construction working hours.
- xvi) Details of temporary pedestrian and cycle routes within the site.
- xvii) Procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison.

The development shall be carried out in accordance with the approved CEMP throughout the construction period of the phase.

- 62) Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with British Standard BS 5837:2012 using the following protective fence specification. Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree. These tree protection measures shall remain in place throughout the period of construction.

The development shall also comply with the following measures throughout the period of construction:

- i) The protective fencing shall be erected before the works hereby approved or any site clearance work commences and shall thereafter be maintained until the development has been completed.
- ii) At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area.
- iii) Nothing shall be attached or fixed to any part of a retained tree and it shall not be used as an anchor point.
- iv) There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.
- v) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the protective fenced area.

- vi) Ground levels within the protective fenced area shall not be raised or lowered in relation to the existing ground level.
 - vii) No trenches for underground services shall be commenced within the protective fenced area or within 5m of hedgerows shown to be retained without the prior written consent of the local planning authority.
- 63) Within each phase of development as approved under condition 50 (including phase 1), if any trees or hedgerows identified for retention are cut down, uprooted or destroyed or die within 5 years of the completion of development of that phase, the tree/hedgerow shall be replaced by a tree/hedgerow of a similar type and species in the next planting season after the damage or loss.
- 64) No development shall take place within any phase as approved under condition No 50 until a noise mitigation scheme for that phase has been submitted to, and approved in writing by, the local planning authority. The noise mitigation scheme shall provide details of proposed measures to mitigate the effect of road and railway traffic noise on the residents of the new dwellings and plant noise from retail and employment units on the residents of nearby existing and proposed housing. The measures shall include, as appropriate, a noise barrier adjacent to the A299, the siting and design of buildings, noise insulation, specification of glazing performance requirements, window sizes and means of ventilation. The approved mitigation measures shall be implemented before the first occupation of any building in that phase.
- 65) The May Street walking/cycling link as shown on drawings T/306/74 Rev F and T/306/40 Rev H, including the provision of a bollard or similar vehicle restriction measure, shall be implemented in full to an adoptable standard and made available for public use prior to any occupation within the development hereby permitted.
- 66) Prior to the occupation of the 100th dwelling within the development hereby permitted, details of the location of the proposed construction access to be provided through the application site from Sweechbridge Road to the land included within planning application 19/00557 shall have been submitted to and approved in writing by the local planning authority. The construction access shall be provided at any boundary between the sites until the primary school is open, thereafter the construction route must not run adjacent to the primary school land.
- The construction access shall be provided in accordance with the approved details prior to the occupation of the 193rd dwelling, or 24 months from the commencement of the development hereby permitted, whichever is sooner.
- 67) Prior to the occupation of the 450th dwelling within the site north of the railway line or the occupation of the first dwelling south of the railway line or the opening of the primary school within the site, whichever is the soonest, a minimum of one vehicular link from the application site to the adjoining land included within planning application CA/19/00557 shall be constructed to an adoptable standard and made available and retained for public use.

- 68) Prior to the occupation of 50 dwellings within the site, the temporary surface for the proposed on-site Bogshole Lane walking/cycling improvement scheme shown on drawing ITL8344 Figure 1.1 shall be provided and made publicly accessible. The full surface of the on and off site works scheme shown on drawing ITL8344 Figure 1.3 shall be provided to an adoptable standard prior to the occupation of 450 dwellings or the opening of the primary school within the site, whichever is the sooner.
- 69) Prior to the first occupation of any of the development hereby approved, a travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall be prepared in accordance with the principles and parameters established by the Interim Framework Travel Plan ref NM/JN/ITL8344-010f R July 2017 and shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes. The travel plan shall include details of required outcomes, modal share targets, measures to ensure the modal share targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.
- 70) No dwellings within a phase as approved under condition 50 (including phase 1) shall be erected until details of 20% of new homes meeting the accessibility and adaptable dwellings Regulation M4(2) of the Building Regulations (as amended) have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 71) No development within a phase as approved under condition 50 (including phase 1) shall be first occupied until details for the installation of fixed telecommunication infrastructure and high speed broadband for that phase have been submitted to and approved in writing by the local planning authority. Details shall include connections to multi-point destinations and all buildings. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process. High speed fibre optic broadband shall be installed into the buildings before they are occupied.

END OF CONDITIONS

Schedule 2 – plans and documents referred to in condition No 2

Site Location Plan (Phase 1 Redline) LON.0709_13 Rev R
Site Location Plan (Thanet Way) ITB8344-SK-050
Site Layout Plan (Phase 1) LON.0709_01 Rev AB
On Plot Landscape (Phase 1) LON.0709_10 Rev D
POS Landscape (Phase 1) LON.0709_11 Rev B
Local Square Detailed Landscape Proposals LON.0709_20 Rev A
LEAP Detailed Landscape Proposals LON.0709_21 A
Street Scenes LON.0709_08-01 Rev C
Street Scenes LON.0709_08-02 Rev C
Phase 1 Refuse Collection Strategy LON.0709_14 Rev R
Phase 1 Materials Layout LON.0709_16 Rev U
Phase 1 Enclosure Details Layout LON.0709_17 Rev R
Enclosure Details LON.0709_18
Garages LON.0709_19-01 Rev B
Garages and Sheds LON.0709_19-02 Rev B
Phase 1 Garage Strategy LON.0709_19 Rev R
Phase 1 House Type Mix LON.0709_26 Rev O
Phase 1 Bedroom Mix LON.0709_27 Rev O
Phase 1 Storey Heights Plan LON.0709_28 Rev Q
Phase 1 Character Areas LON.0709_32 Rev A
NA32 House type CA3 LON.0709_09-33
NA21_NA32 House type CA1 LON.0709_09-34
NT40 House type CA4 LON.0709_09-35
NB33 House type CA3 LON.0709_09-37
NA44 House type CA1 LON.0709_09-38
NB51 House type FLOOR PLAN LON.0709_09-01 Rev D
NB51 House type ELEVATION CA2 LON.0709_09-02 Rev D
NA44 House type CA1 LON.0709_09-03 Rev D
NA44 House type CA3 LON.0709_09-04 Rev D
NA44 House type CA4 LON.0709_09-05 Rev D
NT41 House type CA2_CA3 LON.0709_09-06 Rev D
NT40 House type CA3_CA1 LON.0709_09-07 Rev D
NA42 House type CA4 LON.0709_09-08 Rev D
NB31 House type CA2 LON.0709_09-09 Rev D
NB33 House type CA2 LON.0709_09-11 Rev D
NT32 House type CA4 LON.0709_09-12 Rev D
NT32 House type CA3 LON.0709_09-14 Rev D
NT32 House type CA4 LON.0709_09-15 Rev D
CH1 House type CA4 LON.0709_09-16 Rev D
NA32 House type CA4 LON.0709_09-17 Rev D
NA32 House type CA4 LON.0709_09-18 Rev D
NA21 House type CA4 LON.0709_09-23 Rev D
NA31 AFF House type CA4 LON.0709_09-24 Rev D
NT32 AFF House type CA3 LON.0709_09-25 Rev D
NT32 AFF House type CA4 LON.0709_09-26 Rev D
NA32 AFF House type CA3 LON.0709_09-27 Rev D
NA32 AFF House type CA4 LON.0709_09-28 Rev D
NA21 AFF House type CA3 LON.0709_09-29 Rev D
NA21 AFF House type CA4 LON.0709_09-30 Rev D
NA34 AFF House type CA4 LON.0709_09-31 Rev D

NA34 AFF House type CA4 LON.0709_09-32 Rev D
Sweechbridge Road Access (North) ITB8344-SK-036 Rev D
Lighting Strategy T306/40 Rev H
Finished Floor Levels (Phase 1) T306/47 Rev E
Internal Highway Design (Phase 1) T306/24 Rev K
Refuse Vehicles Swept Path Analysis T306/23 Rev K
Site Sections – Phase 1 Cross Sections T306/65 Rev A • Site Sections – Section
Through Site T306/64 Rev A
Site Sections – Cross Section Railway Line T306/42 Rev A
May Street – (Avenue North – the Boulevard) Highway Improvement Scheme
T306/71 Rev B
May Street North (Barnes Way – Avenue North) T306/ Rev F
Temporary Bus Turning Facility and Access to Pumping Station T306/85

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms N Byrd of Counsel She called Mr S Musk MRTPI	Instructed by Canterbury City Council Team Leader – Development and Engagement, Canterbury City Council
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FOR THE APPELLANT:

Ms M Ellis QC She called Mr C P Morrison BSc(Hons) MSc Mr N S Marshall BSc(Hons) CMILT MCIHT Mr M Carr BA(Hons) DipLA DipUD RUDP Mr R French BSc(Hons) DipLA CMLI Ms M Cameron BSc(Hons) MSc MIEMA CENV PEIA Mr J Tarzey BA(Hons) MRTPI	Instructed by Pegasus Planning Senior Director & Head of Sustainability, Turley Partner, i-Transport LLP Director – Design & Masterplanning, Pegasus Group Pegasus Group Director, Marian Cameron Consultants Ltd Director, Pegasus Group
Mr J Kelly MRICS	Senior Strategic Project Manager, Taylor Wimpey

INTERESTED PERSONS - FOR BELTINGE VILLAGE ACTION GROUP:

Miss A Williams of Counsel She called Ms G Moody Mr K Rice Mrs J Weeden Mr D Loxley Mr J Butler	Instructed by Beltinge Village Action Group Beltinge resident and member of the Action Group Beltinge resident and member of the Action Group Beltinge resident and member of the Action Group Beltinge resident and member of the Action Group Beltinge resident and member of the Action Group
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OTHER INTERESTED PERSONS:

Sir Roger Gale Councillor N Eden-Green Councillor I Stockley	Member of Parliament for North Thanet Member of the City Council Member of the City Council
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Mr N Burns	Lead Advisor, Area Team 14 – Kent & Sussex, Natural England
Mr R Callahan	Environment Planning Specialist, Integrated Environment Planning, the Environment Agency
Nr R Penn	Strategic Lead for Water and Town & Country Planning, the Environment Agency
Mr J Edevane	Growth Planning Lead – Developer Services, Southern Water
Mr C Finch	Principal Transport & Development Planner – Swale and Canterbury, Kent County Council
Mr A Hodges	Local resident

INQUIRY DOCUMENTS

- 10.1 Email dated 18 February 2021 from Cllr Eden-Green concerning consideration of the planning application by the LPA's Planning Committee.
- 10.2 Ms Byrd's opening statement for the LPA.
- 10.3 Ms Ellis's opening statement for the Appellant.
- 10.4 Email dated 9 March 2021 from Mr Tarzey concerning site visit suggestions.
- 10.5 Mr Loxley's note in response to Mr Marshall's rebuttal proof of evidence (CD8.18).
- 10.7 Email dated 10 March 2021 from the Environment Agency to Sir Roger Gale concerning the appeal proposal. Submitted by the Appellant.
- 10.8a Mr Marshall's note on Bogshole Lane and the link to Altira Business Park.
- 10.8b-k Bundle of plans showing the programming of highway works. Submitted by Mr Marshall.
- 10.9 Errata to Mr Marshall's proof of evidence (CD8.13b).
- 10.10 Letter dated 30 August 2019 from UK Power Networks to Premier Energy concerning an electricity supply to the proposed development (part of Appendix 1 to Mr Morrison's proof of evidence, CD8.14b).
- 10.11 Canterbury City Air Quality Action Plan. Submitted by the Appellant.
- 10.12a-c Emails from BVAG and Ms Moody concerning Ms Moody's video (in CD8.16b).
- 10.13 Email dated 10 March 2021 from Mr Edevane concerning the inquiry.
- 10.14 Email dated 11 March 2021 from Mr Callahan concerning the inquiry.
- 10.16 Mr French's landscape clarification note.
- 10.17 Schedule of relevant plans and reports. Submitted by the Appellant.
- 10.18 Concept plan (part of Appendix 1 to Mr Tarzey's proof of evidence, CD8.10c).
- 10.19a Extract from the Land Register concerning land adjoining Sweechbridge House. Submitted by Mr Tarzey.
- 10.19b Title plan relating to CD10.19a. Submitted by Mr Tarzey.

- 10.19c Plan of land required for widening of Sweechbridge Road, north of the railway line. Submitted by Mr Tarzey.
- 10.21 Email dated 12 March 2021 from Mr Rice concerning the Stodmarsh round table session.
- 10.22 Email correspondence between The Planning Inspectorate and Mr Burns concerning the inquiry.
- 10.23 The Appellant's viability clarification note in respect of Appendix 30 to Mr Tarzey's proof of evidence (CD8.10c).
- 10.24 The Appellant's electric vehicle charging note.
- 10.25 Statement of Information to inform the Habitats Regulations Assessment (ref CSA/2318/23 rev C). Submitted by the Appellant.
- 10.26 Sturry Relief Road Transport Note. Submitted by the Appellant.
- 10.27 Agreed position statement on development at Strode Farm. Submitted by the Appellant and the LPA.
- 10.28 Miss Williams's closing submissions for BVAG.
- 10.29 Ms Byrd's closing submissions for the LPA.
- 10.30 Agreed schedule of possible conditions. Submitted by the Appellant and the LPA.
- 10.31a-c Ms Ellis's closing submissions for the Appellant and attachments.
- 10.32 Canterbury City Council – Infrastructure Delivery Plan.
- 10.33a-c The Local Highway Authority's consultation responses to the Kitewood planning application.
- 10.34 The Local Highway Authority's consultation response to the AE Estates planning application.
- 10.35 Report to the LPA's Planning Committee on the Kitewood planning application.
- 10.36 Minutes of the LPA's Planning Committee concerning the Kitewood planning application.
- 10.37 The LPA's note on the Sturry Relief Road.
- 10.38 Email dated 18 March 2021 from Mr Musk concerning CDs 10.32-10.37 and Policy EMP1 of the Local Plan.
- 10.39 Regulation 2(4) notice.
- 10.40 Emails between Mr Tarzey and The Planning Inspectorate concerning CD10.39.
- 10.41 Emails between Mr Tarzey and The Planning Inspectorate concerning electric vehicle charging.
- 10.42 Planning agreement relating to the appeal proposal.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.