

CANTERBURY CITY COUNCIL

DECISION NOTICE

Correspondence Address:
Gladmans Developments
Gladman Developments Ltd

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

NOTIFICATION OF REFUSAL OF OUTLINE PLANNING PERMISSION

Application Number: CA/21/01657
Location: Land At The Hill, Littlebourne, Canterbury, Kent
Proposal: Outline planning application for up to 115 residential dwellings (including affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area and surface water flood mitigation and attenuation. All matters reserved except for access.

Take notice that **Canterbury City Council**, the district planning authority under the Town and Country Planning Act 1990, has **REFUSED** your application, as described above, subject to the following reasons:

- 1 The proposed development is located outside of any settlement and is not identified as suitable for residential development within the Canterbury District Local Plan 2017 and as such, if allowed, would result in an unsustainable, unplanned urbanisation of the countryside, and the permanent loss of best and most versatile agricultural land. The proposed development is therefore contrary to policies SP1, SP4, HD4, EMP12 and DBE3 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
- 2 The proposed development would result in less than substantial harm to the setting of designated heritage assets which is not outweighed by any public benefit, contrary to policies HE1, HE4 and HE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
- 3 Insufficient ecological survey information has been submitted to enable the local planning authority to adequately assess the ecological impacts of the proposal and the effectiveness of mitigation proposals, with particular reference to bats, dormouse and reptiles. There is also insufficient assessment as to the potential adverse impacts of the development on the Little Stour chalk river priority habitat and no assessment as to the potential polluting impacts of surface water from the development on the Littlebourne Stream Local Wildlife Site and the mitigation that would be required to offset such an impact. The proposed development is therefore contrary to policies LB7, LB9 and LB13 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

- 4 The proposed development would cause a likely harmful significant impact on the Stodmarsh SAC, SPA and Ramsar and without appropriate mitigation it would fail the Appropriate Assessment required by the Habitat Regulations. The proposal is also in conflict with the National Planning Policy Framework and policies SP1 and LB5 of the Canterbury District Local Plan 2017.
- 5 The applicant has failed to secure the required levels of affordable housing to meet local needs contrary to policy HD2 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
- 6 The applicant has failed to demonstrate that the highways network, particularly at key junctions along the A257, has the capacity to accommodate the proposed development. Without such assessment it is not possible to conclude that the proposal would not unacceptably impact highways safety. The applicant has also failed to adequately demonstrate that access for the emergency services can be safely accommodated within the layout. The proposal is therefore in conflict with policy DBE3 of the Canterbury District Local Plan 2017.
- 7 The applicant has failed to demonstrate that receiving waters outside of the site have the capacity to accommodate the flow of surface water from the site, and as such it cannot be concluded that the proposal would not contribute to flood risk off site and would not exacerbate any existing flood risk in the locality. The proposed development is therefore in conflict with policy CC11 of the Canterbury District Local Plan 2017.
- 8 No Sustainability Statement has been submitted with the proposal, and as such the applicant has failed to demonstrate how the proposal has responded to the objectives of sustainable development and how it has had regard to the measures outlined in table D1 of the Plan, in conflict with policy DBE1 of the Canterbury District Local Plan 2017.

This application relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

The application was processed having regard to the National Planning Policy Framework, which requires that where there are potential solutions to problems arising in relation to dealing with planning applications, the council will work with the applicant in a positive and proactive manner to seek solutions to those problems.

NOTES TO APPLICANT:

None



Andrew Gambrill
Authorised Signatory of the Council
Date of issue: 30 September 2021

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Canterbury City Council
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Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeal Type	Timescale
Householder application	Within 12 weeks of the date of the notice
Minor commercial application	Within 12 weeks of the date of the notice
Express consent for the display of an advertisement	Within 8 weeks of the date of receipt of the notice
Tree Preservation Orders	Within 28 days of the date of the notice
Planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice	Within 28 days of the date of the notice
If an enforcement notice is served relating to the same or substantially the same land and development as in your application.	Within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier
All others	Within 6 months of the date of the notice

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

IMPORTANT NOTES

Notification of permission under the Planning Acts does NOT convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this this may be required under the Building Act 1984.

Advice on each of the above is available from STG Building Control Partnership on 01634 331133 or by email building@stgbc.org.uk

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