

PLANNING COMMITTEE

APPLICATION NUMBER: CA/22/02055

SITE LOCATION: Land southwest of Canterbury Business Park,
Highland Court Farm, Coldharbour Lane,
Bridge, CT4 5HL

PROPOSAL: Hybrid application for expansion of
Canterbury Business Park comprising detailed
proposal for 11,900 sqm winery with
associated parking and landscaping; and
outline proposal with all matters reserved
except access for up to 8,000sqm of
warehousing

APPLICATION TYPE: Hybrid

DATE REGISTERED: 26th September 2022

28th February 2022

Grade II*

CONSERVATION AREA: Highland Court Conservation Area

Little Stour and Adisham

APPLICANT: Mr G Walters

AGENT: Icen Projects

CASE OFFICER: Jessica Harrison

WEBLINK: <https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RITMVNEAJK600>

RECOMMENDATION: **Section 101 grant, subject to safeguarding conditions and legal agreement**

SITE LOCATION AND DESCRIPTION

1. The application site extends to some 6.70 hectares and comprises agricultural land. The site lies approximately 6.4km to the south east of Canterbury City Centre and approximately 1.5km southeast of the village of Bridge. The north-eastern boundary of the site is bounded by the Canterbury Business Park and directly north is a Grade II* Listed Building, Higham Park. The site is also located within the Kent Downs Area of Outstanding Natural Beauty, the North Kent Downs Area of High Landscape Value and the Highland Court Conservation Area.

RELEVANT PLANNING HISTORY

CA/22/02055 - At its meeting on 4th April 2023, the Planning Committee resolved to grant planning permission for the development proposed under application reference CA/22/02055. The resolution was subject to suitable safeguarding conditions and the completion of a Section 106 legal agreement. The legal agreement was completed and the Decision was issued on 5th May 2023.

Shortly after the grant of planning permission, a Pre-Action Letter for Judicial Review proceedings was received from Richard Buxton Solicitors, challenging the Council's Decision on three grounds. The advice of a Barrister was sought and his opinion was that one of the grounds, relating to the importance and weight of heritage assets, was arguable. The Barrister advised the fact that explicit reference to the importance and weight that must be given to any harm found to the heritage assets should have been included within the report. On the basis, the Council confirmed to the Court that the application should be re-determined.

Planning permission was therefore quashed on 23rd June 2023. The planning application has since returned to the City Council as the Local Planning Authority for re-determination under the same planning reference.

Other relevant applications:

CA/18/01948 - hybrid planning application refused for mixed use development for leisure, commercial and tourism uses.

PROPOSED DEVELOPMENT

2. This application seeks part detailed, part outline planning permission for the expansion of the existing Canterbury Business Park.
3. The detailed element relates to a new winery with an associated building 11,900 sqm in floor space, parking and landscaping. This would be occupied by Chapel Down, a leading wine producer that currently operates in Tenterden in Kent.
4. The outline element (with all matters reserved except access) relates to two new buildings totalling 8,000 sqm in floor area, to provide warehousing for both Chapel Down and Defined Wine, another wine producer that already operates from existing premises on the Canterbury Business Park.
5. The application as originally submitted included a 21,250sqm 'rural employment zone', comprising a minimum of 8,000sqm of warehousing, up to 4,000sqm of business and light industrial space and up to 1,000sqm commercial and community uses. However, this element of the proposal was removed from the scheme during the course of the application.

CONSULTATIONS

CCC Air Quality

Recommend that a condition be imposed requiring a detailed Energy Strategy

CCC Environmental Health

Recommend that a condition is imposed requiring the completion of a limited Phase 2 Site Investigation

CCC Transportation

Recommend that the following conditions are imposed:

- provision of a cantilever bus shelter on the southbound Higham Lane bus stop
- provision of lighting at both Higham Lane bus stops
- cycle storage and facilities
- EV charging points
- Inclusion of the sustainable transport schemes within the Travel Plan.

CCC Heritage

Commented on the scheme:

- Concurs with Historic England's conclusion that that the harm arising from this proposal to extend Canterbury Business Park to the Highland Court Conservation Area is at the lower end of the range of less than substantial and to the setting of the grade II* listed building, Higham Court, at the very low end of less than substantial. As such, you are advised to balance the public benefits and establish whether clear and convincing 'justification' for the harm has been established in accordance with the NPPF.

- Concludes that there would be no harm to the model farm given the intervening large scale development.

KCC Archaeology

Recommend that conditions are imposed re: field evaluation works.

KCC Flood and Water Management

Recommend that conditions are imposed re: detailed sustainable surface water drainage scheme and verification report.

KCC Ecological Advisory Service

Recommend that the following conditions are imposed:

- detailed ecological mitigation strategy
- habitat creation/enhancement and management plan
- lighting details
- further details regarding biodiversity net gain

KCC Highways and Transportation

Recommend that the following conditions are imposed:

- submission of a Construction Management Plan and Travel Plan
- completion and maintenance of accesses
- provision and maintenance of visibility splays, parking spaces, vehicle loading/turning space, EV charging points, secure cycle facilities
- details of the pedestrian link from the site to PROW CB268 and improvements to the PROW CB268 and CB326 to be submitted to the LPA

Historic England

Comment on the scheme, as amended:

- The harm arising from this proposal is less than substantial - for the grade II* listed Higham Court at the very low end of less than substantial and for the conservation area at the lower end of less than substantial
- The amendments to the scheme have reduced the harm
- The harm could be reduced further by developing outside of the conservation area
- We question whether paragraph 195 of the NPPF is capable of being met
- We do not consider that the application proposes any heritage benefits
- The construction of large industrial buildings would entirely remove an area of productive landscape associated with the Higham Court estate which makes a positive contribution to the significance of the Highland Court Conservation Area
- The erosion of the productive landscape would harm an understanding of its historic extent and character, and thus also the significance of the conservation area
- Lighting, vehicular movements and noise associated with the development could also add to the level of harm
- The harm to the grade II* Higham Court would chiefly arise from the erosion of the rural setting to Higham Court, which helps explain its origins as a country house

- Although the development would not impact on views of the house from the driveway, it would nonetheless alter one's experience of the house's wider rural setting as it is approached from surrounding countryside - associated noise and light could add to the overall harm
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural and historical interest which it possesses"
- Paragraph 200 of the framework sets out that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"
- Paragraph 202 requires that "where a development proposal will lead to less substantial harm to the significance of a designated heritage assets this harm should be weighed against the public benefits of the proposals"
- Paragraph 206 requires the local authority to "look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably"
- In determining the application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- Your Council should also bear in mind section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
- In reaching a decision on this proposal your Council will need to weigh the low level of harm to the Highland Court Conservation Area and the very low level of harm to the Grade II* listed Higham Court against the public benefits of the proposal as described in paragraph 202 of the NPPF. We do not think the proposal offers any heritage benefits which would apply to the weighing exercise.
- We do not think that the proposals would either enhance or better reveal the significance of the conservation area as described in paragraph 206 of the NPPF

Natural England

Comment on the scheme as amended:

- We maintain our objection as the proposal would have a significant impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty
- The proposal will still result in a fundamental change in landscape character within the AONB
- In terms of visual impact it is the largest and tallest buildings (up to 10/13m compared to the 8m employment hub) that are being retained
- An assessment of the need for and location of a development of this scale should be undertaken as a strategic and District-wide level - we remain concerned as to whether all possible options for meeting the need outside the AONB have been explored

- It would be premature to consider this proposal before its merits have been properly tested as part of the emerging Local Plan process
- Natural England would recommend great weight is given to AONB Unit comments and concerns regarding the impacts of the proposal on the landscape character and visual amenity of the AONB
- We consider that there are significant shortcomings in the LVIA
- We have objected to Policy C21 in your authority's draft Local Plan which makes provision for a 20ha extension to Canterbury Business Park (or which the application site would form a part)

Environment Agency

No comments to make

National Highways

Recommend that the following conditions are imposed:

- Details of PROW improvements
- Travel Plan
- Construction Environment Management Plan

Dover District Council

Comment that the proposals may impact the Strategic Road Network and result in additional vehicle movements at the Whitfield and Duke Of York roundabouts in the Dover District

Kent Downs AONB Unit

Comment on the scheme as amended:

- We maintain our objection to the application
- We acknowledge that there has been a large reduction in the scale of the proposals
- We agree with the conclusions of the Landscape Technical Note that the landscape impacts (as a result of the amended scheme) would reduce slightly
- We disagree with the conclusion that by Year 15, the landscaping would mitigate the impacts of the development
- The larger and higher units and therefore potentially the most visually intrusive part of the development has been retained
- There would be a significant amount of additional vehicular movements that would significantly impact on the tranquillity of the AONB
- We have concerns that the criteria used for the alternative site search is too restrictive
- Notwithstanding the reduction in scale of the proposals, we agree that the proposal represents major development for the purposes of paragraph 177 of the NPPF
- No new information is provided to support the assertion that there is an essential need for the development to be located at this site nor that demonstrates that there are either any exceptional circumstances or that the proposal is in the public interest
- The need is based on the aspiration of the businesses involved rather than any specific national need for this type of facility

KCC PROW

Recommend that the following conditions are imposed:

- The new pedestrian link connecting the site to PROW CB268 shall not be recorded as a PROW but should be secured in the event of any future change of land ownership
- A PROW Scheme of Management to be submitted to the LPA, including details of construction management of the PROW affected
- Details of works for PROW CB326 West of the A2, from Patricbourne Road to junction with CB268, PROW CB268 south from junction with CB326 to Coldharbour Lane (to include details of a suitable crossing to be installed over Coldharbour Lane), PROW CB324 from its junction with CB268 East along the Southern boundary of this site, to Highland Court Farm along the private road and out to wider network connection PROW CB323 (to include details of crossing over the private road at the Depot entrance)
- Financial contribution of £60,000 to improve PROW CB323, CB325, CB326 (part) and CB268 to Patricbourne Road

REPRESENTATIONS

6. Letters were sent to neighbouring occupiers, a notice was published in the press and a site notice placed in the vicinity. No representations were received.

Conserve Adisham's Rural Environment (CARE) - object to the application on the following grounds:

- Please see through the applicant's claim that the scheme helps the local economy
- The local roads, including the streets through Adisham, will become congested
- The scheme does not need to be here
- The scheme is against the draft Local Plan to 2045

Bridge Parish Council - no objection, but request that vehicles serving the development should avoid transiting through Bridge village.

Bekesbourne Parish Council - no comments received.

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

CC2 - Reducing carbon emissions from new development

CC3 - Strategic sites and large developments to provide site wide renewable or gas fired Combined Heat and Power unless specific criteria met

CC4 - Flood risk

CC11 - Sustainable Drainage Systems

DBE1 - All development to incorporate sustainable design and construction measures.

DBE3 - Principles of design

DBE5 - Inclusive design
DBE9 - Outdoor lighting
EMP2 - Other Business Uses
EMP4 - Protection of Employment Sites
EMP12 - Agricultural Land
HE1 - Historic Environment
HE4 - Listed Buildings
HE6 - Conservation Areas
HE8 - Heritage Assets in Conservation Areas
HE11 - Archaeology
HE13 - Historic Landscapes, Parks and Gardens
LB1 - Kent Downs Area of Outstanding Natural Beauty
LB2 - Areas of High Landscape Value
LB4 - Landscape Character Area
LB8 - Ecological improvements to be incorporated into new developments to improve connectivity
LB9 - All development to avoid a net loss of biodiversity and pursue opportunities to achieve a net gain
LB10 - Trees, Hedgerows and Woodland
SP1 - Sustainable Development
SP2 - Development Requirements
T1 - Transport Strategy
T9 - Vehicular Parking Provision
T17 - Transport Assessment and Travel Plans required for developments which would have significant transport implications
QL11 - Air quality
QL12 - Mitigation of pollution from new development

Draft Canterbury District Local Plan 2045

C21 - Canterbury Business Park
SS1 - Environmental Strategy for the district
SS2 - Sustainable Design Strategy
SS3 - Development Strategy for the district
DS6 - Sustainable Design
DS8 - Business and Employment Areas
DS12 - Rural economy
DS13 - Movement Hierarchy
DS14 - Active and Sustainable Travel
DS15 - Highways and Parking
DS16 - Air Quality
DS18 - Habitats and landscapes of national importance
DS20 - Flood risk and sustainable drainage
DS21 - Supporting Biodiversity Recovery
DS26 - Historic environment and archaeology
DM12 - Non-residential design
DM15 - Sustainable drainage
DM17 - Noise pollution and tranquillity

DM18 - Light pollution and dark skies

DM25 - Parking Design

National Planning Policy Framework

Section 6 - Building a strong, competitive economy, in particular:

- Paragraphs 81, 82 and 83
- Paragraphs 84 and 85 (Supporting a prosperous rural economy)

Section 15 - Conserving and enhancing the natural environment, in particular:

- Paragraphs 174, 176 and 177

Section 16 - Conserving and enhancing the historic environment, in particular:

- Paragraphs 189, 194, 195, 197, 199, 200, 202, 203, 204, 205 and 206

Other material planning considerations

Highland Court (Bekesbourne with Patricbourne) Conservation Areas Appraisal, 2005
Kent Downs AONB Management Plan, 2021-2026

ASSESSMENT

7. This application is brought before the Planning Committee for determination due to the scale of the development proposed within the Kent Downs Area of Outstanding Natural Beauty. The main considerations in the assessment of this application are:
 - Principle
 - Character and appearance
 - Heritage
 - Archaeology
 - Parking and highway safety
 - Biodiversity and ecology
 - Drainage and flood risk
 - Sustainability and air quality
 - Contamination
 - Living conditions
 - Planning balance

Principle

Proposed winery and associated buildings

8. The proposed winery and associated buildings are proposed to be used to process crops (grapes), produce wine and store wine for distribution. Although the planning application is not specific to any potential occupier, it is understood from the applicant that the occupier is likely to be Chapel Down and that the Company has agreed, with the landowner of the Canterbury Business Park, that vines can be planted at Highland Court Farm and these grapes, along with other grapes transported from Chapel Down's existing vineyards in Kent, would be used to produce wine on-site.

The proposed use as a winery would not fall within any defined use class and therefore can be described as a 'sui generis' use. Policy EMP2 of the Local Plan supports uses such as this where they are significant in terms of the local economy, subject to meeting the following criteria:

- Not being contrary to Local Plan policies relating to landscape and nature conservation;
- There not being significant transport impacts that cannot be mitigated;
- There not being unacceptable disturbance to residential amenity; and,
- The development not resulting in the loss of sites allocated for other forms of development.

Proposed warehouse

9. This element of the proposal is to provide additional warehousing to meet the current needs and support future expansion of Defined Wine, which currently already operates from the Canterbury Business Park. Policy EMP4 (b) of the Local Plan supports the in-situ expansion and extension of existing businesses onto adjoining land, unless there would be significant environmental, amenity, landscape, transport or other planning harm.

Loss of agricultural land

10. The Local Plan seeks to protect the best and most versatile land, defined as land Grades 1, 2 and 3a.
11. The application site is made up of Grade 2 agricultural land. The proposal would therefore result in the loss of the best and most versatile agricultural land, in conflict with policy EMP12 of the Local Plan 2017. The loss of BMV would weigh against the application.

Character and appearance

AONB

12. The application site lies within the countryside, designated as an Area of Outstanding Natural Beauty (AONB) Paragraph 176 of the NPPF states that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues...The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

“The scale of development within these areas should be limited. Planning permission should be refused for major development, other than in exceptional circumstances.”

13. Paragraph 177 of the NPPF states:

When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

14. The NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB which has the highest status of protection in relation to these issues. The scale and extent of development within the AONB should be limited.

15. The NPPF at paragraph 177 identifies that when considering applications for development within the AONB, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. There is no definition of what constitutes ‘exceptional circumstances’ and so it is a matter of planning judgement.

16. Policy LB1 of the Local Plan is consistent with the NPPF, requiring high priority to be given to conservation and enhancement of natural beauty in the AONB. The policy states that major developments and proposals that conflict with the objective to conserve and enhance the AONB or that endanger tranquillity will not be permitted except in exceptional circumstances, where it is demonstrated to be in the public interest, the need is shown and any detrimental effect is moderated or mitigated.

Need for development and impact of permitting it, or refusing it, upon local economy

17. The Applicant has submitted a needs assessment, which sets out that Chapel Down is England’s leading and largest winemaker, responsible for over 30% of all English wine production, and they have a projected production of up to 2500 tonnes in the immediate short-term (2022) and more than 3000 tonnes from 2024. In order to meet this forecasted growth and maintain its market-leading status within the country’s wine industry, the company needs to consolidate its operations onto a single site

with a circa 12,000sqm winery plus a 4,000sqm longer-term storage building alongside, together with future vineyards in the North Downs chalk seam area. The company has agreed with the landowner of the Canterbury Business Park that vines can be planted at Highland Court Farm. The company has also confirmed that the existing winery at Tenterden in Kent does not have the capacity to expand to meet their needs, is located poorly in terms of the wider highway network and does not have the space for ancillary storage/bottling facilities.

18. With regards to Defined Wines, they are a leading specialist in the production of wine. Whilst they do not have vineyards of their own, they help winemakers in Kent (and beyond) produce wine. The company currently produces wine for 16 brands, including Chapel Down. The company is already located at the Canterbury Business Park and requires expansion to meet their current and future needs. This would enable the company to support large scale wineries and small local makers in Canterbury and Kent. The proposed warehouse would be located adjacent to their existing warehouse and adjacent to the Chapel Down proposal, allowing benefits such as knowledge sharing and training.

19. The economic benefits associated with the scheme would be significant. The applicant submitted an Economic Benefits Assessment, confirming that the proposal would result in approximately 409 direct full time equivalent (FTE) jobs, 123 indirect FTE jobs within Canterbury and 204 indirect FTE jobs within the south east of England, together with the significant (albeit temporary) job creation and investment during the construction phase. The proposal is also forecast to contribute £69 million directly, indirectly and induced per annum, making a significant contribution to the local economy. In my view, there would be significant benefits of the proposal for the local economy from the proposed uses and these benefits would be further enhanced by the co-location of viticultural uses within the site, which would significantly expand this sector of the local economy. It also has the potential to provide the basis for future further development of this industry within the district.

20. Should the proposed scheme be refused, it would stifle the growth of Chapel Down and Defined Wines and the Kent-based, nationally important viticultural industry in the District, a loss of significant employment opportunities in the District, loss of construction phase investment and loss of local spending from employees.

Cost of, and scope for, developing outside designated area, or meeting need for it in some other way

21. Paragraph 177 of the NPPF requires consideration of the cost of and scope for developing outside of the AONB, or meeting need for it in some other way. In accordance with paragraph 177 of the NPPF, the applicant has explored the possibility of locating the wine production and storage functions for Chapel Down outside of the AONB, in existing employment sites, for example Altira Business Park and Eddington Business Park in Herne Bay, Joseph Wilson Business Park in Whitstable, together with strategic sites which have allocated employment use land, such as Hillborough and North of Hersden. This assessment concluded that the proposal cannot reasonably be located outside of the AONB on an employment site

or strategic site with allocated employment land within the Canterbury District. I have reviewed the assessment and consider it to be robust and in my opinion it sufficiently demonstrates that there is no scope for meeting the need outside of the AONB. The applicant has also considered sites outside of the Canterbury District, however I have not assessed these as they fall outside of the jurisdiction of this Local Planning Authority. The law requires that planning applications are decided in accordance with the Development Plan of the area in which the application has been made.

22. Turning to the proposed warehouse, Defined Wines are an existing business located on the Business Park, which is within the AONB, and therefore it would be unreasonable to require this company to look outside of the AONB to expand its operations. As such, there is no scope for developing outside of the AONB. The applicant has, however, considered if the proposed warehouse could be located within the existing business park, rather than on greenfield land adjacent (albeit still within the AONB). The applicant has confirmed the business park is at capacity and there is no other land or building available within the employment park that is suitable for Defined Wine to use. The one remaining plot of undeveloped land on the business park itself recently received planning permission for a concrete batching plant (but in any event, is too small to accommodate the proposed warehouse.)

23. As set out above, the need cannot be met in some other way outside of the AONB. In light of this, in officer's judgement, the absence of costings does not prevent proper determination of the scope for developing outside the AONB.

Any detrimental effect on environment, landscape and recreational opportunities, and extent to which that could be moderated

24. The application site comprises two parcels of relatively level land adjacent to the Canterbury Business Park. The site benefits from extensive woodland screening to the south-west adjacent to PROW CB268 and additional tree screening further south and south-east along the boundary with Coldharbour Lane. The site is bounded by buildings within the Canterbury Business Park to the north-east and agricultural fields to the south and west. Further west of the site is the A2.

25. In terms of the detailed element of the application, the proposed building would be approximately 13m in height, with staggered roof lines to break up the mass and bulk of the building. A parapet feature would screen a shallow pitched roof behind. The materials consist of a mix of smooth and congregated dark green metal sheets and gabion stone plinths at the bottom of the building. The proposed building would be of a scale and design similar to existing buildings found on adjacent Canterbury Business Park. Tree planting is proposed to the north-western, southern and eastern boundaries.

26. Turning to the outline element with design, scale, layout and landscaping as reserved matters, the proposed warehouses would be located north-west of the Chapel Down element. It is anticipated by the applicant that the proposed buildings would be up to 10m high and of a design that would match the look and feel of the existing buildings

at the adjacent Canterbury Business Park and the Chapel Down winery. Further details would be required through any future reserved matters applications.

27. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the Environmental Statement. The LVIA concludes that there would be some local adverse impacts on the character and visual appearance of the Kent Downs AONB, with these reducing over time once the proposed planting has established and matured, but the effects of the proposed development on character and visual appearance of the wider open countryside and AONB is considered to not be significant or harmful. Following the removal of the 'rural employment zone', an updated LVIA was submitted which concluded that the likely landscape impacts would reduce and the resultant effects on local character and the Kent Downs AONB would reduce slightly as the proposed development would not extend towards Coldharbour Lane or the North Downs Way. As such, it is considered that the impact of the proposal on the character of this part of the AONB would be localised to within the site and the immediate area, with containment provided by existing field boundaries in the short to medium term. In the longer term (15 years), it is anticipated that the proposed planting would soften the impacts and effects on the local and wider area as much as possible.
28. The proposal would introduce built development on a greenfield site, which would cause a degree of harm to the landscape value and scenic beauty of the AONB. However, the site surroundings are important as the proposed buildings will be viewed in the context of the commercial buildings that currently exist on the Canterbury Business Park, which to some extent reduces the level of harm. In long distance views, the site is heavily screened by extensive tree coverage.
29. The scheme appears as an obvious and logical expansion of a successful rural employment site and additional planting is proposed to soften the visibility of the proposed buildings. I find that the proposed development would be harmful to the landscape character and scenic beauty of the AONB, but that, given the limited views of the proposal and its context in regard to the Canterbury Business Park, this harm would be at a low level.
30. In terms of the environment, ecology and biodiversity, the scheme will secure 10% Biodiversity Net Gain, creation of orchards and new habitat areas such as wildflower meadows. In terms of recreational opportunities, there would not be any detrimental impacts. The scheme would include improvements to bridleways in the locality, including the North Downs Way.

Area of High Landscape Value

31. The application site is also located within the North Kent Downs Area of High Landscape Value (AHLV). Policy LB2 sets out that within Area of High Landscape Value, development will be assessed against the extent to which its location, scale, design and materials would impact upon landscape character, heritage and nature conservation interests.

32. The proposed scheme would harm the North Kent Downs AHLV by virtue of its location, scale and nature. The level of harm would be low, however, the scheme would not protect the local landscape character or enhance the future appearance of the designated landscape and its heritage and nature conservation interest. Given this, the scheme conflicts with policies DBE3 and LB2 of the Local Plan 2017.
33. Overall and for the reasons set out above, I conclude that the scheme would cause a low level of harm to the landscape and scenic beauty of the AONB and the landscape character of the AHLV. The scheme is therefore contrary to local planning policies DBE3, LB1 and LB2 and the NPPF.

Heritage assets

34. The application site is located within the Highland Court Conservation Area and within the setting of a Grade II* listed building, Higham Park. Furthermore, Highland Court Farm is a former model farm and is considered a non-designated heritage asset.
35. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
36. Paragraph 194 of the NPPF states that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. Paragraph 199 states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
37. Policy HE1 of the Local Plan seeks to support proposals which protect, conserve and enhance the historic environment but where harm is established it also seeks to balance this against the public benefits. Policy HE4 seeks to preserve and enhance the character and appearance of listed buildings, including their setting and policy HE6 seeks to preserve or enhance conservation areas.
38. The Grade II* listed building, Higham Park, was constructed around 1768 and was a substantial house set within landscaped gardens in a rural setting. The model farm (a non-designated heritage asset) was established in the early 20th Century, building upon and expanding the existing Highland Court farm. The site therefore has elements of the historic estate of the 18th and 19th Centuries including parkland,

farmland and farm buildings as shown in historic maps, together with 20th century additions. Higham Park is inextricably linked to the predominantly rural landscape. Its parkland and agricultural setting helps to explain its historic function as a country house and therefore is considered to contribute positively to the significance of the Grade II* listed building.

39. The Highland Court Conservation Area Appraisal (2005) advises that the Conservation Area essentially contains the original parkland, farmland and orchards to the house and model farm. By doing so, it identifies the wider historic landscape setting as significant in understanding the function of Higham Park as the focus of historic country estate. This connection between house and landscape is reflected in the character and appearance of the land and buildings that surround the house.
40. The proposed development would see the construction of three industrial buildings on agricultural land, together with associated hardstanding. It would entail the removal of part of the original parkland and agricultural setting around the grade II* listed house, altering the character of the landscape within the setting of the grade II* listed house. As such, the development would harm an understanding of its historic extent and character, and also the significance of the Conservation Area. Lighting, vehicular movements and noise associated with the development would further add to this harm.
41. The development would be visible from within the Conservation Area itself and although additional landscaping is proposed to soften the development into the landscape, the harm cannot be fully mitigated given the loss of the agricultural setting and change in landscape character. Although the development would not impact on key views of the listed house from its driveway, it would alter one's experience of the house's wider rural setting as it is approached from the surrounding countryside.
42. The applicant has submitted a Heritage Statement as part of the application, which assesses the potential impact of the proposal on heritage assets and concludes that it would result in less than substantial harm at the lowest end to the Conservation Area and no harm to the Grade II* listed house.
43. Historic England and CCC Heritage agree that the harm to the heritage assets would be less than substantial. In terms of the scale, they both consider the harm to the Conservation Area to be at the lower end and the harm to Higham Park to be at the very low end. CCC Heritage concluded there would be no harm to the non-designated heritage asset (the model farm) due to the intervening large development.
44. The impact on the heritage assets has been reduced from when the scheme was originally submitted following the removal of the 21,250sqm rural employment zone. Historic England agree that the amendments to the scheme have reduced the harm, though they believe the harm could be reduced further by developing outside of the conservation area. There is land directly adjacent to the south-eastern boundary of the business park, which is outside of the Conservation Area. The applicant previously proposed to build the Chapel Down winery in this location, however,

following pre-application advice and a Design Review, officers felt that the harm to the AONB would be greater by building in this location outside of the Conservation Area. This land was removed from the overall scheme due to its negative visual impacts on the AONB. The land directly adjacent to the remaining boundaries of the business park are inside the Conservation Area and therefore there is little scope to reduce the harm further by developing outside of the Conservation Area.

45. Officers consider that the scheme would cause less than substantial harm to two heritage assets, the Conservation Area and the Grade II* listed building. Members must afford considerable importance and weight to such harm. Paragraph 194 of the NPPF requires clear and convincing justification for harm to heritage assets and paragraph 202 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
46. The harm to heritage assets has been minimised by removing the rural employment zone and locating the development on land which is heavily screened, with additional landscaping proposed to further soften the development from views within the conservation area. There is clear justification for the development.
47. The proposed development would deliver significant public benefits, most notably the employment opportunities during construction and operational phases, the growth of the Kent-based, nationally important viticulture industry in the District, improvements to the public rights of way in the locality including the North Downs Way and 10% biodiversity net gain. Overall, it is considered that the harm caused to the heritage assets, to which great weight is attached, is less than substantial and would be outweighed by the public benefits of the proposal. The scheme therefore complies with paragraph 202 of the NPPF.

Archaeology

48. The Local Plan states that planning applications, on sites where there is or is the potential for an archaeological heritage asset, must include an appropriate desk based assessment of the asset.
49. The applicant has submitted a provisional desk based assessment produced by the Canterbury Archaeological Trust which recognises the high archaeological potential of the area. On the basis of evidence, archaeological remains might be extant within the proposed development area and could be disturbed or destroyed through development groundworks. As such, KCC Archaeology recommends a condition for evaluation and mitigation. Subject to such a condition, the proposal is considered to be in accordance with policy HE11 of the Canterbury District Local Plan 2017 and the NPPF.

Parking and highway safety

50. The Local Plan states that when assessing design quality, safe movement within and around a proposed development must be a consideration. Paragraph 111 of the

NPPF states that development should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network would be severe.

51. A Transport Assessment has been submitted which found that the increase in vehicular movements as a result from the proposal to be acceptable with regards to its impact on the highway network. The following junctions were assessed and the impact found to be acceptable: Highland Court Farm access / Coldharbour Lane, A2 Southbound off-slip / Coldharbour Lane, Coldharbour Lane/ Coldharbour Lane and A2 northbound exit / Bonny Bush Hill. National Highways also comment that the proposals would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network (the A2).
52. Turning to access, one access is proposed to the north-eastern corner of the site and a second access is proposed to the south-eastern corner of the site. Sufficient visibility splays can be achieved from these accesses and tracking has been provided to demonstrate that vehicles can enter, turn and exit the site safely.
53. The proposed parking provision proposed for the detailed element of the application would be in accordance with the requirements of the Local Plan and details of parking provision for the outline element will be secured through condition. EV charging points and cycle storage will also be secured through condition.
54. A Framework Travel Plan has been submitted as part of the application, which aims to maximise the potential for travel by sustainable transport modes and reduce single person vehicular trips by encouraging car share initiatives. A detailed site-wide Travel Plan will be required by condition.
55. The Applicant has signed a legal agreement which secures a £60,000 contribution towards upgrades of PROW CB323, CB325, CB326 (part), and CB268 to Patixbourne Road. Upgrades to the PROWS would encourage more sustainable modes of transport as well as benefiting leisure users of the PROWs. The applicant also proposes a pedestrian link from PROW CB268 into the site on the north-western boundary, a crossing where PROW CB268 crosses Coldharbour Lane and improvements to PROWs CB268 and CB326, within the applicant's ownership. Also proposed is a cantilever bus shelter on the southbound Higham Lane bus stop, together with lighting at both Higham Lane bus stops. Further details of these improvements can be secured by condition.
56. Subject to conditions and a legal agreement, the proposal is considered to have an acceptable highways impact in accordance with policies DBE3, T1 and T9 of the Canterbury District Local Plan 2017 and the NPPF.

Biodiversity and ecology

57. The Local Plan states that development should avoid a net loss of biodiversity/nature conservation value. This will be secured by ensuring that a development site evaluation is undertaken to establish the nature conservation value of the proposed development site.

58. As part of the Environment Statement submitted with the application, there is an ecology chapter accompanied by a baseline ecological appraisal and Biodiversity Net Gain (BNG) assessment report, which states that the intention of the development is to provide 10% Biodiversity Net Gain. Ecology surveys recorded the presence of priority species hedgerows, suitable breeding bird habitat, a low population of great crested newts, juvenile common lizard, dormouse and at least six species of foraging bats. An overview of construction and operational mitigation together with enhancement measures have been detailed within the Environment Statement which includes the retention of key habitat areas, sensitive lighting design, creation of a replacement orchard and new habitat areas such as wildflower meadow, mixed shrub and bat boxes.

59. KCC Ecology raise no objection subject to conditions requiring a detailed ecological mitigation strategy, habitat creation/enhancement and management plan, details of biodiversity net gain and lighting details. Subject to the above conditions, the proposal is considered to comply with policy LB9 of the Canterbury District Local Plan 2017 and the NPPF.

Drainage and flood risk

60. The Local Plan states that all development applications should include drainage provision to ensure that surface water is appropriately controlled within the development site, manage flood risk on-site and off-site and not exacerbate any existing flood risk in the locality.

61. The application site lies within Flood Zone 1 and therefore is at low risk of flooding. The Flood Risk Assessment report submitted with the application confirms that the proposed drainage scheme includes the capture and discharge of surface water into the underlying geology, to be achieved through a combination of cellular soakaways, permeable paving systems and a single infiltration basin.

62. KCC Flood and Water Management raise no objection, subject to conditions requiring further design details of the proposed drainage scheme and a verification report. Subject to these conditions, the proposal is considered to comply with policies CC4 and CC11 of the Canterbury District Local Plan 2017 and the NPPF.

Sustainability and air quality

63. The Local Plan requires new development to incorporate sustainable design and construction measures and measures to reduce carbon emissions from energy use.

64. An Energy and Sustainability Statement has been submitted, which aims to develop an exemplar fossil fuel-free proposal with sustainability and energy saving at its core. Whilst indicative at this stage, it is envisaged that detailed proposals would include features such as photovoltaic panels and potentially a district network employing biomass boilers or air-source heat pumps (ASHPs), where practicable. EV charging points will also be provided.

65. CCC Air Quality raise no objection and welcome the aspirations of the applicant on this application. The submission of a detailed Energy and Sustainability Strategy can be secured through condition and as such, the proposal is considered to comply with policies DBE1, DBE5, CC2, CC3, QL11 and QL12 of the Canterbury District Local Plan 2017 and the NPPF.

Contamination

66. Policy QL12 of the Local Plan states that when granting planning permission for development which could potentially result in pollution, the Council will impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken.

67. The application site is in agricultural use associated with fruit growing. A Phase 1 report dated August 2022 identified the potential for sources of contamination to be present due to the present and historic agricultural use of the site. Chapter 13 within the Environment Statement recommends a Phase 2 site investigation to be undertaken. CCC Environmental Health agree with this recommendation and request the investigation be carried out prior to commencement of the development, which can be secured through condition. Subject to this condition, the proposal is considered to comply with policy QL12 of the Canterbury District Local Plan 2017 and the NPPF.

Living conditions

68. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

69. Given the separation distances to neighbouring occupiers together with the employment uses at the existing business park, it is considered that no unacceptable impacts would arise from the proposal. Environmental Health also raise no objection. Given this, the proposal is considered to have an acceptable impact on the living conditions of neighbouring property occupiers, in accordance with policy DBE3 of the Canterbury District Local Plan 2017 and the NPPF.

Planning balance and conclusions

70. I consider that this proposal meets the 'exceptional circumstances' test as set out in paragraph 177 of the NPPF and it would be in the public interest to permit the proposal. The applicant has demonstrated that there is a need for the development and that there are no alternative sites outside of the AONB to meet this need. The development would significantly expand the nationally important viticultural industry in Canterbury, supporting the growth of two Kent businesses including Chapel Down, England's leading and largest winemaker. The economic benefits of the scheme would be significant. I consider that the public benefits outweigh the harm to heritage assets (these having been given considerable importance and weight) and the loss of agricultural land.

71. The proposal is therefore considered to be in accordance with the criteria set out within policies EMP2, EMP4, HE1, HE4, HE6, HE8, LB1 and LB2 of the Canterbury District Local Plan 2017. Furthermore, the proposed development would be acceptable in relation to highways, ecology and biodiversity, residential amenity, drainage, contamination, air quality, and archaeology. As such, the proposal represents sustainable development and it is recommended that planning permission be granted subject to appropriate safeguarding conditions. A legal agreement has been signed by the Applicant, which secures a £60,000 contribution towards upgrades of the public rights of way in the locality, including the North Downs Way.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: **CA/22/02055**

Proposal: **Hybrid planning application for expansion of Canterbury Business Park comprising detailed proposal for 11,900 sqm winery with associated parking and landscaping; and outline proposal with all matters reserved except access for up to 8,000 sqm of warehousing**

Location: **Land Southwest of Canterbury Business Park, Highland Court Farm, Coldharbour Lane, Bridge, CT4 5HL**

Conditions relating to full planning permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the submitted drawings:
 - Illustrative Masterplan 2655-006 B
 - Application Boundary 2655-003 C
 - Parameter Plan Land Use 2655-012 G
 - Parameter Plan 2655-028 G
 - Parameter Plan Building Heights 2655- 015 G
 - Strategy Plan Parking 2655-026 H
 - Land Budget Plan 2655-055 I

- Landscape Masterplan 1617/003 Rev E
- Proposed Elevations 2655-107A
- Proposed Elevations 2655-106A
- Proposed Ground Floor Layout Plan 2655-100A
- Proposed First Floor Layout Plan 2655-101A
- Proposed Section 2655-102A
- Indicative Site Sections 2655-04 D
- Proposed Site Layout Showing Roof Plan 2655-108 F
- Proposed Site Access Arrangements 15117 - 010F
- Offsite PROW Crossing Improvement Location Plan 15117-011

REASON: To secure the proper development of the area.

3. The area shown on the approved plan for the parking, turning and manoeuvring of vehicles shall be operational prior to first use of the development hereby approved. The areas agreed shall thereafter be maintained for that purpose.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

4. The secure and covered cycle storage as shown on drawing 15117 - 010F 'Proposed Site Access Arrangements' shall be provided prior to the first use of the development. The cycle storage shall thereafter be retained in accordance with the approved details.

REASON: In the interests of promoting increased cycling in accordance with the National Planning Policy Framework and in accordance with policy T9 of the Canterbury District Local Plan 2017.

5. The EV charging points as shown on drawing 15117 - 010F 'Proposed Site Access Arrangements' shall be installed prior to the first use of the development hereby approved and thereafter permanently retained.

REASON: To mitigate impacts on air quality in accordance with policies DBE1, DBE3 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

6. Prior to the landscaping, full details of both hard and soft landscape works, to include:

- species, size and location of new shrubs, hedges and grassed areas to be planted;
- the treatment proposed for all hard-surfaced areas beyond the limits of the
- highway;
- walls, fences, gates, other means of enclosure proposed

shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with policies DBE3, LB1, LB2 and LB10 of the Canterbury District Local Plan 2017.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives any written consent to any variation.

REASON: In the interests of the visual amenities of the area in accordance with policies DBE3, LB1, LB2 and LB10 of the Canterbury District Local Plan 2017.

8. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

REASON: In the interests of the visual amenities of the area in accordance with policies DBE3, LB1 and LB2 of the Canterbury District Local Plan 2017.

Conditions relating to outline planning permission

9. In respect of that part of the application where outline consent is granted, the approval of details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of each construction phase (save for any Advance Infrastructure and Enabling works), and the development shall be carried out as approved.

REASON: As no such details have been submitted.

10. a) Application for approval of reserved matters referred to in condition 9 for the first construction phase shall be made to the Local Planning Authority before the expiration of three years from the date of grant of outline planning permission and all applications for approval of the reserved matters for the remaining construction phases shall be made before the expiration of five years from the date of this grant of outline planning permission. The development shall thereafter not be carried out otherwise than in accordance with this permission and any such approvals given.

b) The commencement of each construction phase pursuant to this outline consent shall be begun before the expiration of two years from the date of the last Reserved Matter in respect of that construction phase to be approved, and thereafter the development shall not be carried out otherwise that in accordance with this permission and any such approvals given.

11. No development shall take place until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority.

Any reserved matters submissions shall reference the relevant phase as identified on the approved Phasing Plan submitted under this condition.

REASON: In the interests of the proper development of the area and to achieve sustainable development

12. The development relating to the outline planning permission shall be carried out in broad accordance with the approved plans:

- Illustrative Masterplan 2655-006 B
- Application Boundary 2655-003 C
- Parameter Plan Land Use 2655-012 G
- Parameter Plan Building Heights 2655- 015 G
- Strategy Plan Parking 2655-026 H
- Land Budget Plan 2655-055 I

REASON: In the interests of certainty as to what is permitted.

13. Each Reserved Matters application shall be accompanied, as appropriate, by the following documents and/or information:

In relation to the matter of layout a Reserved Matters application shall include:

- Details of the siting and orientation of the proposed buildings in broad accordance with the Illustrative Masterplan 2655-006 B and any relevant roads, as well as the location of any landscaped or open space areas;
- Details of parking areas and cycle parking in accordance with the standards set out in the Kent Design Guide Interim Guidance Note 3, servicing areas, and plant areas
- Details of any public rights of way affected by the proposal
- 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
- Where relevant, details of storing commercial refuse, including recyclable material and point of collection
- Details of internal road layout

In relation to scale and appearance a Reserved Matters application shall include:

- Details of building heights and massing.
- Details of the internal layout of buildings.
- Details of the external treatment and design of the buildings.
- Details of finished floor levels.

In relation to the matter of landscaping a Reserved Matters application shall include:

- 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, street furniture, lighting columns/brackets, private and communal areas, open spaces, edges and boundary treatments, and roads
- tree planting details and specification of all planting in hard and soft landscaped areas.
- details of the programme for implementing and completing the planting.

REASON: In order that the Reserved Matters Applications can be properly considered and assessed against the approved Parameter Plans and in the interests of proper planning.

Conditions relating to both full and outline permission

14. The development hereby permitted shall be limited to a maximum of three buildings comprising up to:

- 4,000sqm B8 use
- 15,900sqm sui generis use

The buildings hereby approved shall be used for winery/food and beverage production, storage and distribution only and no other uses shall take place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of certainty as to what is permitted.

15. A. No development within a phase shall commence as approved under condition 11 until the applicant (or their agents or successors in title) has secured and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority. The evaluation works should include both geophysical survey and trial trenching

B. Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority. Preservation measures included in shall include agreed measures to preserve two ring ditches on the north western boundary of the site and the former historic estate boundary on the southern edge of the site.

C. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

16. No development within a phase shall commence as approved under condition 11 until a Construction Environmental Management Plan, which shall include the following details:

- Parking and turning areas for construction and delivery vehicles and site personnel
- Timing of deliveries
- Details of site access point(s) for construction
- Dust control measures
- Site operation times between 0730 – 1800 Monday to Friday, 0800 – 1300 Saturday and at no time on a Sunday or Bank Holiday unless in association with an emergency
- Demolition and construction waste - storage and removal
- Temporary traffic management/signage
- Details of wheel washing facilities prior to commencement of spoil removal on site and for the duration of spoil removal
- Details of measures to protect any PROWs to be affected

has 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.

REASON: In the interests of highways safety, nature conservation and to ensure pollution prevention measures are in place for all potentially polluting activities during construction in accordance with policies DBE3, LB9 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

17. No development within a phase shall commence as approved under condition 11 until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the The Flood Risk Assessment report prepared by Charles and Associates (September 2022) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with policy CC11 of the Local Plan. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal.

18. No development within a phase shall commence as approved under condition 11 until a site-wide Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy must include the following:

- Up-to-date ecological surveys and assessments (as necessary)
- An overview of the mitigation required
- Detailed methodology to achieve the mitigation
- Timing of works
- Maps showing the areas where work will be carried out
- Details on who will carry out the work

The overarching Ecological Mitigation and Enhancement Strategy shall accord with the construction and operational mitigation and enhancement measures identified in the Environmental Statement and shall be implemented in accordance with the approved details.

REASON: In the interests of preserving protected species and their habitats in accordance with policy LB9 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

19. No development within a phase shall commence as approved under condition 11 until a Habitat Creation/Enhancement and Management Plan has been submitted to

and approved in writing by the Local Planning Authority. The Plan must include the following:

- Details of the habitat creation and habitat enhancement works to be carried out
- Plan showing the areas of habitat enhancement/creation
- Methodology to implement the habitat enhancement creation works
- Details of who will carry the works out
- Overview of the management to be carried out
- Timetable of management requires capable of being a 5 year rolling plan
- Details of monitoring to be carried out
- Timings of management plan reviews
- Details on the delivery of 10% biodiversity net gain

The overarching Habitat Creation/Enhancement and Management Plan shall be in accordance with the enhancement measures identified in the Environmental Statement and implemented in accordance with the approved details.

REASON: In the interests of preserving protected species and their habitats in accordance with policy LB9 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

20. No building on any phase as approved under condition 11 shall be used until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed for that phase.

REASON: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with policy CC11 and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

21. The accesses shown on the deposited plan shall be operational prior to first use of any of the development hereby approved. The areas agreed shall thereafter be maintained for that purpose.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

22. Prior to the first use of the development hereby approved, the visibility splays as shown on the deposited plans with no obstructions over 0.6 metres above carriageway level within the splays shall be provided and thereafter maintained.

REASON: In the interests of highway safety.

23. No development shall take place until further details of the:

- a. pedestrian / cycle link from PROW CB268 into the site at the Northern boundary (as shown indicatively on approved plan 15117-010F)
- b. specifications for improvements to PROW CB268 and CB326 (as shown indicatively on Figure 3 'Connect TN02')
- c. appropriate crossing where CB268 crosses Coldharbour Lane (as shown indicatively on approved plan 15117 - 011)
- d. bus shelter for the south-bound stop on Higham Lane
- e. lighting at both Higham Lane bus stops

are submitted to and approved by the Local Planning Authority. The pedestrian link, crossing, PROW improvements, bus shelter and lighting shall be provided prior to the first use of the development hereby approved, in accordance with the approved details and thereafter maintained.

REASON: In the interests of sustainable development.

24. Prior to the first use of the development hereby approved, a Travel Plan (based on the Framework Travel Plan March 2023) including methods to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement.

Thereafter, the Travel Plan shall be put into action and adhered to throughout the lifetime of the development, or that of the Travel Plan itself, whichever is the shorter.

REASON: In the interests of sustainable development, and to reduce dependency on the private car, in accordance with policies SP1 and T1 of the Canterbury District Local Plan 2021.

25. Prior to commencement of the development hereby approved, a site-wide Energy Strategy for the development, in accordance with the principles contained within the Energy and Sustainability Statement (September 2022) shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy must demonstrate that the development will meet 'very good' BREEAM standards.

The Strategy shall include details of the overarching strategy for energy and heat delivery to the development, measures to minimise the demand for energy, energy efficiency measures and the use of renewable energy.

The development shall thereafter be carried out in accordance with the approved site-wide Energy Strategy.

REASON: In the interests of achieving sustainable development and to prevent pollution, in accordance with the aims and objectives and policies DBE1, DBE3 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

26. Prior to the installation of any external lighting, full details including fittings, illumination levels, spread of light (in lux levels) and operational hours shall be submitted to, and approved in writing by, the Local Planning Authority.
The lighting shall follow the recommendations within the Bat Conservation Trusts 'Guidance Note 8 Bats and Artificial Lighting'.

The lighting installation shall then be carried out in accordance with the approved details.

REASON: To ensure that light pollution is minimised in the interest of the visual amenities of the area and to minimise impacts on nocturnal species, in accordance with policies LB1, LB2, LB9, DBE9 and QL12 of the Canterbury District Local Plan 2017.

27. Prior to the commencement of the development hereby approved, a Phase 2 Contaminated Land Site Investigation shall be undertaken in accordance with Chapter 13 of the Environmental Statement, Section 7.2 (Recommendations). The details and result of the investigation shall be submitted to the Local Planning Authority.

REASON: To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with policy QL12 of the Canterbury District Local Plan 2017 and with the National Planning Policy Framework.