

# **Appeal by Gladman Developments Ltd**

## **Land at The Hill, Littlebourne**

**Against the Refusal of Planning Permission by  
Canterbury City Council on the Application for:**

***“Outline planning application for up to 300 residential dwellings (including affordable housing and older person accommodation), a new community hub, 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.”***

**LPA Reference: CA/23/00484**

**Statement of Common Ground between**

**Gladman Developments Ltd**

**and**

**Canterbury City Council**



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# 1 INTRODUCTION

## 1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Gladman Developments Ltd (hereinafter referred to as 'the Appellant') and Canterbury City Council (hereinafter referred to as 'the Council' or 'CCC').

1.1.2 The SoCG concerns an appeal made pursuant to the refusal of planning application ref: CA/23/00484 by the Council in respect of land at The Hill, Littlebourne (herein referred to as 'the appeal site').

1.1.3 This SoCG sets out the agreed matters of fact and agreed positions between the Council and the Appellant in respect of planning matters raised by this appeal. There are no matters of disagreement or where the Council will be setting out any case other than as set out here. It been prepared in accordance with the PINS Procedural Guide: Planning appeals – England (Updated 30<sup>th</sup> June 2025).

## 1.2 Parties

1.2.1 The SoCG is jointly agreed by:



Signed

Date 20<sup>th</sup> November 2025

Name: Jason Tait, Director, Planning Prospects Ltd

On behalf of Gladman Developments Ltd



Signed

Date 20<sup>th</sup> November 2025

Name: Simon Thomas, Head of Planning and Health

On behalf of Canterbury City Council

## 2 BACKGROUND AND PROPOSALS

### 2.1 Background to the Appeal

- 2.1.1 The planning application subject to this appeal was validated by CCC on 5<sup>th</sup> April 2023.
- 2.1.2 During the course of the application's determination, the main parties agreed to reserve details of access, so the appeal is made on the basis that all matters are reserved.
- 2.1.3 The application was refused by CCC on the 18<sup>th</sup> July 2025 following the resolution to refuse the application at Planning Committee on 8<sup>th</sup> July 2025 contrary to the officer's recommendation to grant approval subject to conditions and Section 106 agreement.
- 2.1.4 On 12<sup>th</sup> November 2025 the Council confirmed that, further to the meeting of the Planning Committee on 11<sup>th</sup> November, the Planning Committee passed a vote that the Council should not defend any of the reasons for refusal in the appeal. As such, the Council will not be calling any evidence at the appeal.
- 2.1.5 The parties agree that paragraphs 1 – 8 of the May 2025 Officer Report as set out below accurately sets out the location and description of the site, the relevant planning history and a summary of the proposed development.
- 2.1.6 The application site is located on the western edge of Littlebourne. The site is bounded by The Hill to the north east, Bekesbourne Lane and a drainage ditch/informal access route to the south east, a car park serving Howletts to the south west and agricultural fields to the north west.
- 2.1.7 The site itself is approximately 15.77ha in size, broadly '\_L\_' in shape with a ranging topography that typically declines from north to south and down towards the ditch in the centre of the site. It comprises agricultural land, with hedgerows and trees present along the perimeter, as well as a drainage ditch. The site falls within the Littlebourne Fruit Belt Landscape Character Area (LCA). The North Kent Downs Area of High Landscape Value lies outside of the site to the south east, circa 775m from the site. There is no Public Right of Way running through the site.
- 2.1.8 In terms of services, a village shop is located approximately 220m to the east and both a GP surgery and primary school are located within 600m to the north/north east.

- 2.1.9 The site is currently a draft allocation within the Draft Local Plan to 2040 and is provisionally allocated for approximately 300 dwellings, a local shopping and community facility, together with associated open space and road infrastructure.
- 2.1.10 In terms of the site's planning history, it includes CA/21/01657 - Outline planning permission 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 are reserved except for access - Refused September 2021
- 2.1.11 Regarding the proposed development, outline planning permission is sought with all matters reserved. Up to 300 residential dwellings are proposed, including 30% affordable housing and older persons accommodation, which would be allocated to 10% of the overall dwelling provision.
- 2.1.12 A new community hub is also proposed as part of the development. The community hub could be used for purposes such as a local shop, cafe, library, place of worship, meeting hall or for any other recreational or educational purposes. It would have a maximum floorspace of 400sqm.
- 2.1.13 Associated open space, landscaping and Sustainable Urban Drainage features are also shown within the indicative development framework for the site.

### **3 PLANNING POLICY**

#### **3.1 Development Plan**

3.1.1 The statutory Development Plan is the Canterbury District Local Plan 2011-2031.

#### **3.2 Canterbury District Local Plan 2011-2031**

3.2.1 The Canterbury District Local Plan was adopted in July 2017, to cover the plan period 2011-2031 and was five years old in July 2022. The Plan was prepared to deliver the Policy SP2 housing requirement of 16,000 over the plan period 2011-2031 (800 dpa).

#### **3.3 Emerging Local Plan – Canterbury District Draft Local Plan 2040**

3.3.1 The Council is in the process of preparing a new Local Plan. The appeal site has been proposed for allocation in both of the Draft Regulation 18 Local Plans that have been consulted on and retained as an emerging allocation in the most recent focused consultation.

3.3.2 The Canterbury Housing Needs Assessment Update (July 2025) sets out that the standard method Local Housing Need figure for Canterbury is 1,215 per year, equating to 23,085 additional dwellings over the 2024–2043 plan period.

3.3.3 Following submissions to the ‘Call for Sites’ public consultation, the site was initially assessed as part of the Council’s Strategic Land Availability Assessment (SLAA) 2022. The site was assessed under reference SLAA098 of the SLAA and was identified as being suitable, available and achievable for the development of circa 302 dwellings. The assessment of all the sites submitted to the Call for Sites is set out in Appendix C of the SLAA and will be provided to the Inspector in the Core Documents. The parties agree that this demonstrates the Council’s direction of travel with regards to the suitability of the site, even though the policies of the emerging CDLP can only be afforded limited weight in this appeal in accordance with paragraph 49 of the NPPF.

#### **3.4 National Planning Policy Framework (December 2024)**

3.4.1 The parties agree that the NPPF is an important material consideration in the determination of this appeal.

## **4 MATTERS ON WHICH THE PARTIES AGREE**

### **4.1 Introduction**

4.1.1 This section of the SoCG sets out the matters on which the parties agree.

### **4.2 Weighting Schedule**

4.2.1 The parties are in agreement that the scale for the descriptors of weight (both positive and negative) in the planning balance are as follows:

- Very significant
- Significant
- Moderate
- Limited
- Very limited
- Negligible
- Neutral/no weight.

### **4.3 Principle of Development**

4.3.1 It is agreed that paragraphs 21 – 26 of the May 2025 Officer Report set out the position on the principle of development. This confirms that Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.3.2 The site falls outside of the settlement of Littlebourne on unallocated land. Whilst the site is located outside of the confines of Littlebourne, the proposal is not isolated - it lies directly adjacent to the rural service centre, in close proximity to public transport connections and day-to-day services and facilities.

4.3.3 There is a clear evidenced need for housing, including affordable housing in the district. The Council cannot demonstrate a 5-year supply of housing, nor has the amount of housing that is needed to meet local housing needs, as identified in the adopted Local Plan, been delivered. The Council is in the position whereby the presumption in favour of sustainable development applies.

- 4.3.4 The legal effect of this is that when planning applications for housing are being considered there is a 'tilted balance' in favour of the development. This means that planning applications that will help to make up the shortfall in housing supply and lack of delivery should be given significant weight in the decision-making process.
- 4.3.5 The grant of planning permission for this development would allow for much needed housing to be delivered in the district, including 30% affordable housing. It would also improve the position of the district in terms of both the housing supply and delivery thresholds set by Government.
- 4.3.6 Significant weight should therefore be attributed to the provision of housing that this development offers and as such the tilted balance would weigh very heavily in favour of the appeal being allowed.

#### **4.4 Provision of Housing including Affordable Housing**

- 4.4.1 Although in outline, subject to Reserved Matters, the development has the potential to deliver up to 300 dwellings on the site. Where there is a national housing crisis in housing delivery highlighted by Government, and a significant LHN which is not being fully met, it is agreed that the delivery of housing through the appeal proposals will be a very significant benefit of the development.
- 4.4.2 In addition, the development will also provide 30% (up to 90 new homes) of the proposed new housing as specifically, by definition, affordable housing in circumstances where there is also a national and local need to improve the affordability of new housing. As set out in paragraph 25 of the May 2025 Officer Report, there is a significant need for more affordable homes in Canterbury. The parties agree that the affordable housing provision is as set out in paragraphs 80 and 81 of the May 2025 Officer Report. The Local Plan requires the provision of 30% affordable housing. The Council's Housing Strategy seeks a 70/30 tenure split in favour of affordable rent over shared ownership properties. Affordable properties should be indistinguishable from the market homes.
- 4.4.3 With regards to affordable housing provision on this site, the s106 will need to secure a minimum 30% affordable housing across the site which would be secured at the split 70% Affordable Rent and 30% Shared Ownership. As such, the proposals are in accordance with policy HD2 of the Local Plan.
- 4.4.4 The parties agree that of itself, the provision of this scale of affordable housing is also a very significant benefit .

## 4.5 Design and Layout

4.5.1 As the application is in outline only, approval of the access, layout, scale, appearance and landscaping would be considered in subsequent reserved matters applications.

4.5.2 As set out in paragraph 90 of the May 2025 Officer Report, it is considered that the site is of a size whereby the development could be designed in such a way as to prevent unacceptable noise and disturbance, overbearing, overlooking, loss of privacy, overshadowing or enclosing impacts on neighbouring properties in situ and those proposed on the site in future. Furthermore, it is considered that proposed dwellings could be provided with sufficient internal and external amenity space.

## 4.6 Economic Benefits

4.6.1 The appellant has submitted supporting information which explains significant economic benefits generated as a result of the development which can be weighed positively in the planning balance. The Council are presenting no evidence to contest this.

4.6.2 The NPPF, at paragraph 85, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The government has linked the Country's essential economic growth to the delivery of more homes.

4.6.3 The economic benefits are in the form of the following (and quantified in the Socio-Economic Statement CD1.05):

- Additional construction spend.
- Jobs created in construction and associated industries.
- Increased gross expenditure in the local community and wider area.

## 4.7 Best and Most Versatile Agricultural Land

4.7.1 The parties agree the position set out in paragraphs 29 and 30 of the May 2025 Officer Report in respect of the loss of agricultural land. In terms of loss of agricultural land, the adopted Local Plan seeks to protect the best and most versatile land, defined as land in Grades 1, 2 and 3a (Grade 1 being land which is of the highest quality, providing the best inherent properties for agricultural production).

4.7.2 The applicant has commissioned a site specific survey of the application site which concludes that the land is made up of Grade 3a and 3b agricultural land, as confirmed by an Agricultural

Land Classification submitted with the application. 38% of the site itself comprises Grade 3a agricultural land.

- 4.7.3 The loss of agricultural land weigh against the proposals and needs to be considered in the context of the wider 'tilted' planning balance. The Council are presenting no evidence to suggest that the loss of BMV agricultural land should be a reason to refuse planning permission.

## 4.8 **Biodiversity Net Gain**

- 4.8.1 The Ecological Appraisal Rev D (CD2.22) and Biodiversity Net Gain Metric (CD2.20) illustrate how the proposals could achieve a biodiversity net gain of 23.5% for habitats and 32% for hedgerows. A biodiversity net gain will be secured via planning condition.
- 4.8.2 The parties agree that securing a 20% biodiversity net gain, when compared to the pre-development status of the site is a significant benefit of the development proposals.

## 4.9 **Foul Water Drainage**

- 4.9.1 As set out in the Officers Report and in response to the planning application, Southern Water confirmed that there is currently limited capacity within the foul network to accommodate the needs of the development. Southern Water requested that a planning condition be imposed that would require the development to be phased and implemented so as to align with delivery by Southern Water of any sewerage network reinforcements that are required to ensure that adequate wastewater network capacity is available to adequately drain the development.
- 4.9.2 The Officer's Report confirms (paragraph 68) that the Water Industry Act provides a legal mechanism for the additional foul drainage infrastructure to be provided by Southern Water. The appellant asserts that given the time estimates for the necessary foul drainage infrastructure improvements advised in the response to the application by Southern Water, and the expected timeframes for delivery of the development, the current lack of capacity within the foul drainage system is not a matter which should prevent planning permission being granted.
- 4.9.3 The Council offers no evidence to contest such a position.

## 4.10 Impact on the Chalk Stream

- 4.10.1 The applicant submitted a Flood Risk Assessment and Outline Drainage Strategy detailing how surface water will be managed. Attenuation infrastructure would be installed on site, with this then draining into an existing ditch/watercourse. The water feeding into this watercourse would then enter into an existing 225mm culvert. Surveys have been carried out on the culvert and given the culvert in this location is required to facilitate surface water drainage from the site, a condition is recommended to be imposed ensuring that the surface water drainage strategy includes details of any works required to ensure that the culvert is suitable for use prior to any occupation of the development. The culvert is a drainage assets within the public highway and is therefore maintained by KCC. Surface water from the site is to be controlled at a greenfield runoff rate. KCC Flood and Water Management raise no objections subject to conditions securing details of surface water drainage and verification. The surface water drainage strategy will be required to demonstrate that silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters. The EA have raised no objection.
- 4.10.2 The Council offer no evidence to contest this position.

## 4.11 Heritage

- 4.11.1 As set out in the Committee Report (CD5.01), the site falls partially within the very edge of the Littlebourne Conservation Area along The Hill, Little Acres and no.17a. Within proximity of the site, those historic buildings most directly affected by the change in land use would be two Grade II listed buildings - Holly Lodge and Coachman's House - and two locally listed buildings - Evenhill Public House and 48 Foresters Lodge.
- 4.11.2 The parties agree that there would be less than substantial harm to the significance of Coachman's Cottage/Cedar Lodge and the setting of the Littlebourne Conservation Area and this would fall at the lowermost end of the less than substantial spectrum. This level of harm is agreed by the parties to be outweighed by the public benefits of the scheme, including principally amongst other matters, the significant need for housing in the District. As such the harm to heritage assets would not provide a reason to refuse the development proposed and where less than substantial heritage harms are outweighed by public benefits, the proposals accord with paragraph 215 of the Framework. It is further agreed as set out in the Heritage Statement (CD1.11), in respect of Grade II Holly Lodge, the proposed development is anticipated to cause no harm to its heritage significance through changes in setting. The proposed development is anticipated to cause very minor harm to the heritage significance

of The Evenhill and 48 The Hill, both non-designated heritage assets, through changes to setting. In accordance with the Framework paragraph 216 this is a matter to be taken into account, but is not a matter which should prevent the development as proposed.

- 4.11.3 It is agreed that a programme of archaeological evaluation to be secured via planning condition would be undertaken prior to the commencement of development.

## 4.12 Open Space

4.12.1 The position in respect of Open Space is set out in paragraphs 84-88 of the May 2025 Officer Report. The Local Plan sets out Local Quantity Open Space Provision Standards for new residential development - open space typology requirements per 1,000 new residents. Whilst the application does not include a proposed housing mix, it is estimated the development would generate the need for a minimum of 6.255 hectares of public open space. The submitted Development Framework Plan identifies that the applicant is proposing in the region of 7.145 hectares of public open space. The proposals do not include outdoor sports within the typologies identified, and as such an off-site contribution towards improvements to outdoor sports in the vicinity would be required.

4.12.2 Other than for the outdoor sports, a condition could be imposed to require the provision to comply with the typologies identified within the Local Plan. Subject to a legal agreement securing the contributions towards outdoor sports, the proposals would be in accordance with policy OS11 of the Local Plan.

4.12.3 The provision of above policy-compliant children's play areas and open space should be given positive weight in the planning balance.

## 4.13 Landscape

4.13.1 The site is not subject to any statutory landscape designation. The site does fall within the North Kent Plain NCA 113, albeit, of which, it only forms a small portion, and the South Canterbury and Littlebourne Fruitbelt LCA. Overall, the site is visually well-contained and mostly screened to accommodate a well-designed and considerate development which would not have any unacceptable landscape and visual effects.

4.13.2 The Appellant's Landscape and Visual Appraisal was prepared in accordance with the Guidelines for Landscape and Visual Impact, third edition (GLVIA3) and is a fair representation of the impact of the proposals in landscape and visual terms.

4.13.3 Any landscape harm should be attributed limited weight in the planning balance.

4.13.4 The Council will offer no evidence to contest this position.

#### 4.14 Access and Sustainable Transport Modes

4.14.1 There is suitable vehicular, pedestrian and cycle access to the site. Access can be achieved in principle, subject to detailed designs at the Reserved Matters stage.

4.14.2 The site is in close proximity to a range of local facilities and services within Littlebourne which can be accessed by sustainable modes of transport including walking and cycling. These include, *inter alia*:

- Local bus stops;
- Littlebourne Primary School and Ladybirds Pre-School; ,
- Four Hill Village Stores;
- Littlebourne Surgery;
- Littlebourne War Memorial Hall;
- The Evenhill Pub / Restaurant;
- Littlebourne Post Office;
- Playing fields;

4.14.3 The provision of a new community hub on-site is a moderate social benefit of the proposals and further bolsters the locational sustainability of the site.

4.14.4 The application was supported by a Travel Plan (CD1.22) and which provides an effective tool to encourage active and sustainable travel and reduce single occupancy vehicle trips.

4.14.5 It is proposed that a total of six car club vehicles and spaces will be incorporated within the development, with all vehicles being electric vehicles, with associated EV charging facilities provided. The car club will reduce the need for residents to own a car and will benefit both new and existing residents.

4.14.6 The nearest bus stops to the site are located along the site frontage on the A257 The Hill, c.130m west of the proposed site access. To the east of site, further bus stops are located c.250m away from the site access along the A257 The Hill. The bus service operates at a frequency of 30 minutes Monday-Saturday daytimes, with additional services in the evening and on Sundays, and there is sufficient capacity to accommodate the anticipated patronage from this development. The bus operator confirmed that the proposed development would result in additional demand for the service, which would support the commercial viability of the service.

- 4.14.7 The nearest rail station to the site is Bekesbourne station located c.2.0km to the south-west of the site. This rail line provides hourly services to London Victoria and Dover Priory.
- 4.14.8 CCC Transport and KCC Highways did not object to the planning application.
- 4.14.9 The parties agree that a planning condition can be used to secure measures proposed by the Travel Plan are implemented.
- 4.14.10 The appellant argues that the location of development is sustainable, and through a combination of sustainable active travel measures, together with access to buses, and the implementation of the Travel Plan the proposals are sustainably located to appropriately encourage people to take sustainable travel choices as opposed to travel by the private car.
- 4.14.11 The Council will not be offering any evidence to contest this position.

#### **4.15 Housing Delivery Test**

- 4.15.1 It is agreed that as a result of CCC's 2023 Housing Delivery Test (HDT) being 67% and noting FN8 of the Framework, the presumption in favour of sustainable development or 'tilted balance' at paragraph 11 d) ii) of the Framework applies in the determination of this appeal.

#### **4.16 Housing Land Supply**

- 4.16.1 In line with the NPPF paragraph 78, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their Local Housing Need (LHN) where in the case of Canterbury their strategic policies are more than 5 years old including an appropriate buffer to ensure a choice and competition in the market for land.
- 4.16.2 The new NPPF in December included alongside it the publication of an updated standard method for the calculation of Local Housing Need which for Canterbury has increased to 1216 dwellings per annum. The five-year requirement would be 7,296 dwellings ((1216 x 5) plus 20% buffer).
- 4.16.3 Against the LHN, the Council cannot demonstrate a 5-year supply of land for housing. In the last Authority Monitoring Report, the Council<sup>1</sup> calculate their supply at 4.16 years, a 1,225-dwelling shortfall against the minimum 5-year requirement of 7,296 dwellings. Whilst the

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<sup>1</sup> The Council's updated statement on housing land supply is set out in their Addendum to Authority Monitoring Report April 2023 to March 2024 (January 2025).

appellant has not tested this supply further, it is agreed between the parties in any event that the shortfall is significant.

#### **4.17 Planning Balance**

4.17.1 The parties agree that the tilted balance at paragraph 11 d) (ii) of the NPPF applies in this case. Whether because of the lack of a five year supply, or a HDT result less than 75%, for the purposes of determining this appeal, this means granting planning permission for development proposals unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

4.17.2 There are no footnote 7 policies that protect areas or assets of particular importance in this case and which would provide a strong reason for refusing the development and disengage the tilted balance.

4.17.3 The appellant contends that there are no planning reasons as to why planning permission should not be granted for the proposed development and that the planning balance weighs in favour of granting planning permission as the harms here (landscape, BMV and heritage) are more limited and do not outweigh the very significant benefits (housing including affordable homes, economic investment and jobs, biodiversity, green open space and play spaces) of the development, never mind significantly and demonstrably so.

4.17.4 Accordingly, the appellant states that planning permission should be granted and the Council offers no reasons or evidence to contest this position and judgement.

#### **4.18 Nutrient Neutrality**

4.18.1 Natural England confirmed that the appeal site no longer falls within the Stodmarsh catchment following changes to catchment boundaries. Consequently, the parties agree that the proposals do not have the potential to effect or have implications for the nutrient neutrality of the Stodmarsh SPA/SAC/Ramsar site and do not need to be subject to a Habitats Regulations Assessment or Appropriate Assessment.

## 5 OBLIGATIONS AND CONDITIONS

### 5.1 Section 106 Obligations

5.1.1 The parties are progressing a planning obligation to secure the matters set out in this SoCG and which will meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

5.1.2 The following Heads of Terms are agreed:

#### **AFFORDABLE HOUSING**

5.1.3 The Agreement will provide for 30% affordable housing with a tenure split of 70% affordable or social rent and 30% shared ownership.

#### **OPEN SPACE**

5.1.4 The Agreement will require the Developer to provide on-site informal open space and a Neighbourhood Equipped Area of Play, and two Locally Equipped Areas of Play.

5.1.5 Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long-term maintenance and management of these areas, including any off-site commuted sums as applicable.

5.1.6 The Agreement will require the Developer to provide a contribution towards off-site outdoor sports provision.

#### **HIGHWAYS AND PUBLIC TRANSPORT**

5.1.7 The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

5.1.8 The Agreement will require the Developer to provide a contribution of £18,000 to Network Rail towards providing cycle parking facilities to enhance passenger experience and promote sustainable travel.

5.1.9 The Agreement will require the Developer to provide a contribution £30,000 index linked for clearance, surface repairs of Public Footpaths CB143, CB156, CB147, CB155A and in the case of CB143 a new tarmac surface.

- 5.1.10 The Agreement will require a Car Club including six parking spaces with an electric vehicle charging point within the Development for the Car Club Vehicles to be located, to be provided.

**OTHER**

- 5.1.11 Other contributions including waste disposal, education, integrated children's services, library, social care, community learning and skills, and health care subject to meeting the appropriate tests of necessity and reasonableness, are under consideration for their inclusion.

**5.2 Planning Conditions**

- 5.2.1 The parties are preparing a list of appropriate planning conditions to secure the matters set out in this SoCG.