

PLANNING COMMITTEE

**APPLICATION NUMBER:** CA//18/01948/FOS

**SITE LOCATION:** Land at Highland Court Farm, Coldharbour Lane, Bekesbourne, CT4 5HN

**PROPOSAL:** Hybrid planning application for mixed use development for leisure, commercial and tourism uses comprising:  
(1) A detailed planning application for a centre for sporting excellence (to include sports pitches, changing rooms, clubhouse and floodlights), business innovation centre, food and drinks hub and leisure hub; with access and associated highways works.  
(2) An outline planning application (with all matters reserved) for business uses, food and drinks hub, innovation centre, home farm centre, artisan offices, mixed use court and holiday homes; plus associated access, landscaping, parking and drainage infrastructure.

**APPLICATION TYPE:** FULL / OUTLINE SPLIT APPLICATION

**DATE REGISTERED:** 01 October 2018

**TARGET DATE:** 21 January 2019

**LISTED BUILDING:** GRADE 2\*

**CONSERVATION AREA:** BEK/PAT/BRI - BIFRONS PARK

**WARD:** Little Stour and Adisham

**APPLICANT:** Quinn Estates Ltd & HICO Group

**AGENT:** Icen Projects Ltd

**CASE OFFICER:** Steve Musk

**WEBLINK:** [https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=CANTE\\_DCAPR\\_120085](https://publicaccess.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=CANTE_DCAPR_120085)

**RECOMMENDATION:** Refuse

## SITE LOCATION AND DESCRIPTION

1. The application site extends to some 94 hectares and currently comprises agricultural land, the former Highland Court Model Farm (now converted into a number of business and leisure uses) and the St Laurence and Highland Court Cricket Club. The site lies approximately 6.4km to the south east of Canterbury City Centre. It is an isolated site, not connected to any settlement or defined urban area. Bridge lies closest but is separated from the site by the A2 trunk road and open countryside.
2. By road, Bridge village centre lies circa 2.1km away, Patixbourne is some 3.3km, Barham 4.2km and Adisham 3.5km. With the exception of a short length of Coldharbour Lane towards the A2 and then the A28/A2050 into Bridge, connections between the site and outlying settlements are via the local rural road network, much of which is highly constrained. The nearest bus stops lie on Bridge Hill, some 1.1km walk from the centre of the site, along roads that presently do not provide footways and are not lit and which pass under the A2.
3. The application site is accessed by vehicles via Coldharbour Lane which runs north east from the A2 junction. To the south and south west the A2 represents a significant physical barrier to movement. Immediately north of the site access, Coldharbour Lane narrows, connecting into Bramling Road and Shepherd's Court Road, which mark the site's east and north eastern boundaries.
1. To the west, the site abuts and encircles much of Higham House, which is Grade II\* listed. Higham House is accessed from a separate drive via Bridge Hill and over the A2. This access is currently shared by the St Laurence and Highland Court Cricket Club, which lies within the application site boundary. It is also part of the public right of way network.
2. A significant proportion of the application site lies within the Highland Court Conservation Area. A number of other conservation areas either border the site or lie close by, including; Biffons Park, Bourne park and Bridge.
3. Surrounded by the application site, but excluded from it, is the Canterbury Business Park, which contains a mixture of business units, including the produce distributor, Gomez. The business park shares the application site's vehicular access via Coldharbour Lane.
4. The site lies wholly within the Kent Downs AONB and the North Downs Area of High Landscape Value (AHLV). The 2014-2019 AONB Management Plan describes the area as follows:

“...a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them...”
5. Other than the existing HICO / Business Park access there are no vehicular through-routes within the site, although a number of public footpath / bridleway routes bisect or border the site. These include the North Downs Way, a significant length of which passes through the application site and beyond through the adjacent land that is identified for landscape and ecological mitigation.
6. The site sits at between circa 40-90m AOD along a prominent section of the south facing slope of the North Downs / Little Stour Valley. Beyond the A2, which lies below the site, to the south the valley falls away (30-45m AOD), before rising again to the

south and south east along a series of ridges. Due to intervening topography, the site has no direct visual relationship with the City Centre and the WHS.

### RELEVANT PLANNING HISTORY

7. There is no relevant planning application history for the application site.

### PROPOSED DEVELOPMENT

8. The planning application is submitted as a hybrid application (part detailed and part outline). The relevant proportions of the overall 94 ha Application Site are:

- Detailed 22 ha
- Outline 72 ha

9. The overall masterplan comprises a number of land-use and recreational elements. In summary, these comprise:

- 175 No. 3 and 4-bed dwellings
- Business Park
- Innovation Centre
- Food and Drink Hub
- Leisure Hub
- Mixed Use Court
- Offices
- Home Farm

These individual land use components are described in further detail below by component, site area (hectare) and floorspace (sq.m):

	Site Area	Total F/S	Detailed F/S	Outline F/S
Dwellings	25.62	25,740		
Business Park	4.42	21,220	0	21,220
Innovation Centre	2.47	11,760	7,280	4,480
Food and Drink Hub	3.08	5,940	1,000	4,940
Leisure Hub	2.37	1,883	0	1,883
Mixed Use Court	2.77	7,160	0	7,160
Offices	3.42	9,580	0	9,580
Home Farm	1.06			

The remainder of the 94 ha site comprises:

	Site Area
Highways	3.38ha
Open Space/Sports	45.25ha

The 45ha of open space is proposed to be broken down as follows:

Rugby (new)	9.46 ha
Football (new)	3.32
Cricket (existing)	4.02
Parkland	5.97
Tree Buffers	15.25
Meadow	3.85
Lakes	3.40

10. Looking at each of the masterplan elements in more detail:

11. Dwellings (Use Class C3)

The outline application is for 175 dwellings which the applicant refers to as 'second homes' or 'holiday homes'. The indicative accommodation schedule shows 75no. 3-bed units and 100no. 4-bed homes. The illustrative images show two-storey buildings of principally brick construction with pitch roof and garages. .

The homes are located on the east / north part of the site, with a circa 720m frontage to both Coldharbour Lane and Bramling Road. Limited detail is provided in relation to tenure and management of these dwellings.

12. Business Park (Class B8) and Innovation Centre (Class B1)

The Business Park - use class B8 - is proposed to the south west of the existing business estate, between it and the A2 / North Downs Way. It is described as B8 (warehousing and distribution) with up to 21,220 sq.m (228,412 sq.ft). The indicative drawings show up to 67 units in a variety of unit sizes from larger warehouses (2,000 sq.m) down to smaller incubator units (80-100 sq.m). Design parameters suggest buildings of up to 8m in height. Details of target tenants for this speculative part of the scheme are not provided and this element is contained entirely within the outline part of the application.

The Innovation Centre - use class B1 - is proposed to be located between the existing business park and Coldharbour Lane. The part closest to the site entrance is shown to be of a modern design, two storeys in height, which the Applicant indicates is to be 'linked' to Canterbury College. These two 'office' style elements are shown to be part of the detailed element of the scheme – circa 7,280 sq.m (78,362 sq.ft).

Behind the Innovation Centre, adjacent to Coldharbour Lane and the North Downs Way, a series of smaller business unit clusters are proposed within the outline element. They are illustrated as 1 and 2 storey buildings. Circa 56 units of accommodation are shown on the indicative masterplan, with unit sizes of typically 80 sq.m (860 sq.ft). No occupiers or detailed target tenant profile are provided, with limited references made within the application material to both 'agri' and traditional ' B1-tech' businesses.

13. Artisan Offices (Class B1a)

To the north of the existing business park, adjacent to the Higham House estate it is proposed that up to 9,580 sq.m (103,120 sq.ft) of class B1a offices would be provided in up to 11 buildings, each varying between 520 and 1,200 sq.m in floorspace. The indicative design is typically barn style single storey structures.

Again no proposed tenure or tenant profile is provided. The supporting material describes the units as 'artisan offices' yet the potential activities are described as being related to food and drink production. It is therefore unclear from the application documents how this element of the scheme is intended to function. This further speculative element forms part of the outline element of the scheme.

14. Food and Drink Hub (Class A1, A3 and B1)

The food and drink hub is again located adjacent to the site entrance fronting onto Coldharbour Lane. Nine units are proposed, ranging in size from 288 sq.m to 1,380 sq.m. The buildings are shown to be a single storey form.

An initial phase of 1,000 sq.m of B1 production is shown within the detailed phase, with the remaining floorspace being part of the outline application.

The indicative land use mix suggests that the following uses would be provided:

B1 craft industry	3,900 sq.m	(34,230 sq.ft)	4 units
A3 restaurant cafe	432 sq.m	(4,650 sq.ft)	1 unit
A1 retail	1,608 sq.m	(17,309 sq.ft)	4 units

15. Leisure Hub (Classes D2 and A3)

The proposed leisure element is located between the food and drink and holiday home uses, again fronting Coldharbour Lane. It contains up to 6 elements (plus administration) within a single complex over two storeys. Uses will include gym, spa / health club, dance studio, pool, events space and restaurant.

It is understood that the leisure hub would support the holiday home complex, but also be available to wider members of the public. No operator is identified within the application material, nor is any assessment of demand or alternative provision put forward.

16. Mixed Use Court (Classes B1, D1 and D2)

The mixed-use court would provide circa 7,160 sq.m of floorspace, to be constructed adjacent to the existing model farm complex. The mix of accommodation is shown as:

B1 craft industry	6,360 sq.m	(68,460 sq.ft)	10 units
D2 yoga studio	200 sq.m	(2,150 sq.ft)	1 unit
D1 art studio	600 sq.m	(6,460 sq.ft)	1 unit

17. Home Farm – Existing

Retained buildings at Home Farm will continue to provide circa 2,792 sq.m (30,050 sq.ft) of accommodation for office, workshop, café and event space uses, with the above elements representing an expansion of the established Home Farm complex.

18. Sports Hub

In addition to the retention of the existing cricket club, the two new elements of the proposed 'sports hub' will comprise:

<u>Rugby Club</u>	
Pitches	9.6 ha 2 full size, 2 colt, 2 junior
Pavilion	720 sq.ft

<u>Football Club</u>	
Pitches	3.32 2 full size, 1 junior
Pavilion	720 sq.ft

Independent facilities (pitches, clubhouse and parking) are provided for each club, with a total of 275 parking spaces shown to be distributed between them. Detailed planning permission is sought for the layout of the sports facilities, together with a rugby

clubhouse of a traditional brick form, two storeys in height with pitch roof, plus a contemporary brick and timber two storey football clubhouse. Associated elements will also include fencing and floodlighting, with columns of up to 15m in height.

## CONSULTATIONS

19. The following section summarises the main consultation responses received from each party. Members can view the full responses from all parties on the Council's website.

### 20. **Natural England**

#### 12 November 2018

Natural England objects to this proposal. Given the size and scale of this proposal and the harm it would cause to the Kent Downs AONB, we consider it is a matter of national importance. We therefore advise that if the local authority should be minded to approve this development proposal, Natural England will consider it necessary to seek call-in of the application so that it can be determined by the Secretary of State against the relevant tests set out in the NPPF.

..... AONBs are nationally important landscapes designated to conserve and enhance their natural beauty. Natural England is concerned that the size and scale of the proposals would introduce a major adverse impact on the special qualities of the Kent Downs AONB.

..... We further consider that the proposal, which would result in the direct loss of part of a nationally importance designated landscape, cannot be mitigated to reduce the adverse impact to an acceptable level.

Natural England ... consider a proposal for major development affecting an AONB that falls outside of the adopted local plan should not be supported.

Our view is supported by the NPPF, which ..... provides clear guidance that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in .... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.' In addition, the guidance on development within AONBs in the NPPF, which was revised in July 2018, states that 'The scale and extent of development within these designated areas should be limited.'

#### 14 December 2018

##### Summary of landscape concerns

- The proposal contradicts policies contained in the Kent Downs AONB Management Plan and related policies in your Authority's Local Plan.
- Given the lack of provision in your Authority's recently adopted Local Plan for a development such as Highland Court and that the majority of Canterbury District lies outside the AONB we consider that the applicant has failed to adequately demonstrate the need for the development, particularly within this extremely sensitive location. An assessment of the need for and location of a development of this scale needs to be undertaken at a strategic and District-wide level as part of the Local Plan process
- We consider there are significant shortcomings in the Landscape and Visual Impact Assessment:
  - It fails to give sufficient weight to the value of the application site as part of the AONB, underplays both the sensitivity of the receiving landscape and the magnitude of change resulting from the proposal, and hence underplays the significance of the impact.

- Within the LVIA there is an absence of any assessment of the proposals against the special qualities of the AONB and the aims of the AONB Management Plan.
- We note that the AONB Unit has provided two detailed responses to this proposal. Given their considerable local knowledge, Natural England would recommend great weight is given to their comments and concerns regarding the impacts of the proposal on the landscape character and visual amenity of the AONB.

## 21. The Kent Downs AONB Unit

The Kent Downs AONB Unit does not consider that any exceptional circumstances nor a public interest case have been demonstrated that would justify the release of this land for the proposed development within the AONB, a nationally important landscape resource.

The NPPF requires there to be an assessment of the need for the development, including any national considerations. It is our view that no national need has been identified

Providing the [sports] pitches in this location, some distance away from the City would not meet the need identified for Canterbury, nor does the 'need' identified constitute a national need, nor is it in anyway exceptional and could be met in other ways

It would be wholly inappropriate to permit a development of the scale proposed in advance of preparation of a new Local Plan which would properly establish both [need] for employment land requirements and establish the most appropriate locations for development to be directed to. This is particularly important in view of the 'in principle' national policy presumption against major development within AONBs as set out in the revised NPPF.

The application of policies in the revised NPPF that protect specified designated areas including AONBs provide a strong reason for restricting the overall scale, type or distribution of development in the plan area [and] requires great weight to be given to conserving and enhancing natural and scenic beauty and for development in AONBs to be limited in scale and extent.

### Scope for Development Elsewhere:

The AONB Unit contends that this element is not properly addressed in the applicant's submission. Only 27.8% of the District lies within the AONB. The 72.2% of the District that does not fall within the AONB designation would clearly be more appropriate to meet any strategic development needs. The AONB Unit is firmly of the view that should the need for a strategic development of the scale proposed be identified it should be properly assessed through the local plan process so that both need and appropriate location can be fully assessed at a District wide level and that any identified need should be met by utilising sites which are less environmentally constrained.

We query the contention that there is a critical requirement for the holiday village to be located close to the Centre for Sporting Excellence and that 'without the associated uses and fusion of land uses it is not considered that a top of the market holiday village can be delivered'.

We cannot accept that the proposed site at Highland Court Farm is the only site in the District that could accommodate sports pitches. In line with local plan policy, such facilities would be better located close to the existing urban area where they would be much more accessible.

Furthermore, the impact of such facilities on the special character and qualities of the Kent Downs AONB would be substantial despite having limited associated built development and notwithstanding its predominantly open nature, the proposed facility is considered entirely inappropriate development in its own right in this sensitive location.

Should it be found that there is an undersupply of available employment land. A more comprehensive assessment should be undertaken including through a new Call for Sites assessment as part of any Local Plan review.

#### Detrimental effect on the landscape and Kent Downs AONB

The site lies within the East Kent Downs Landscape Character Area as identified in the Landscape Assessment of the Kent Downs AONB, carried out by the Countryside Commission. Key characteristics are identified as long wooded ridges, tiny remote settlements, large arable fields on ride top plateaux and a maze of sunken one track lanes. For the local character area of Elham within which the site sits, design guidelines include conserving open views, reinforcing hedgerow network, maintaining small scale settlement pattern, seeking the use of sympathetic local materials.

The Kent County Landscape Character Assessment identifies the area to be coherent with few visual detractors and to be in good condition it has a high sensitivity and assigns it a conserve landscape strategy, including conserving open views and the influence of vernacular building styles as well as conserving the isolation of farmsteads and resisting additional development.

The site, in the main, reflects the characteristics of the Kent Downs AONB and contributes to the landscape and scenic beauty of it. Historically orchards have played an important part in the special character of the AONB landscape. Modern orchards provide an important link to a valued historic landscape. 'Pockets of orchards on the northern valley slopes' are specifically identified as a key characteristic of the Elham Local Character Area in the Kent Downs AONB Landscape Character Assessment.

The proposal would result in the extensive urbanisation of what is currently undeveloped, beautiful countryside, introducing built development where there currently is none and be wholly uncharacteristic with the current predominantly rural character of the locality. While it is noted that some existing trees and hedges within the site would be retained and that additional supplementary landscaping is proposed, the essentially rural character of this land would be wholly compromised.

Accordingly, the Kent Downs AONB Unit is of the view the development would result in a major adverse impact to landscape character and that the proposal would not conform with the 'Conserve' strategy identified in the KCC LCA which identifies the East Kent Downs: Elham LCA as having a high sensitivity to change.

The proposed landscaping mitigation would also fundamentally alter the character of the area and along with the proposed built development would result in existing views across the site being lost; at present views across the site to attractive rolling countryside beyond the site boundaries are an important feature of the site. Views are recognised as one of the special characteristics and qualities of the AONB as recognised in the Management Plan.

Views out were also one of the principle reasons for the designation of the Kent Downs as an AONB. Enclosing the site and therefore views out with landscaping would fundamentally alter the site's character to its detriment.

While longer distance views towards the site are limited, there would nevertheless be significant adverse visual impacts in both shorter distance views of the site and views from within the extensive site area itself, which is traversed by a number of well used public rights of way, including the North Downs Way National Trail.

The proposed holiday homes would result in the introduction of a suburban style estate which in its scale, location and design fails to reflect local distinctiveness or traditional settlement pattern associated with villages in the Kent Downs. The proposed scale of commercial development including Business Park, innovation centre and offices would be entirely out of keeping with the character of the Kent Downs. Furthermore, the proposed creation of a network of lakes connected by a series of artificial streams would be entirely out of keeping with the landscape character of this part of the Kent Downs, particularly in view of the site's location on high ground on top of a valley side.

Other elements of the proposal would also impact on the special character and qualities of the AONB. The proposed sports facilities while largely retaining the openness of part of the site would result in existing farmed countryside being converted to playing pitches and require remodelling of the existing gently sloping land to provide artificial flat landform, wholly out of keeping with landscape character. The introduction of floodlighting to what is currently an essentially unlit area would be highly detrimental to the dark night skies of the AONB.

A sense of tranquillity is a special quality of the AONB and its importance is recognised by its inclusion in both the Management Plan. The proposal would further erode tranquillity by virtue of increases in noise, activity and traffic at the site. Noise from the outdoor sporting activities is likely to be particularly harmful. The site is traversed and surrounded by several Public Rights of Way including the North Downs Way National Trail. It is contended that there will be increase in noise experienced by users of the footpaths in particular from the sports pitches which is likely to be particularly prevalent at weekends when the pitches will be used more intensively.

In addition to significantly increasing traffic levels on Coldharbour Lane to access the site from the A2, the proposal would also result in additional traffic on Coldharbour Lane east of the entrance to the site and further afield. These are narrow single track lanes with little in the way of passing places. This maze of sunken one track lanes are recognised as one of the key characteristics of the local character area in the Kent Downs LCA and are likely to be damaged and their character eroded. The increase in traffic on Coldharbour Lane to access the site would also be in direct conflict with users of the North Downs Way National Trail that crosses the Lane closer to its junction with the A2.

In conclusion, the Kent Downs AONB Unit considers the proposed development would result in a significant detrimental change to landscape character as well as harming visual amenity, removing the current sense of openness and having a significant detrimental effect on the landscape and scenic beauty of the AONB.

Given the change from open countryside to urban development it is contended that the impact on landscape character could not be mitigated. The AONB is sensitive to both landscape and visual effects. Justifying the proposal on the basis that the site is largely hidden in longer distance views does not justify the proposal; this is not just a visual issue but one about landscape impacts as well; the NPPF is clear that it is both the landscape

Kent Downs AONB Management Plan

In addition to being contrary to policies in the NPPF seeking to protect AONB landscapes and local plan policies seeking to protect the character of the countryside and landscape, the proposal would also be contrary to policies in the Kent Downs AONB Management Plan, Second Revision 2014 to 2019.

While individual elements of the scheme such as some of the landscape enhancements, improvements to biodiversity and increasing access to the site by members of the public may be compliant with specific policies of the AONB Management Plan, this would not, in our view, result in a net benefit to the environment when balanced against the very substantial change of use of extensive tracts of rural open countryside within the AONB to built development, sports pitches and associated infrastructure and would not result in a net contribution to achieving the aims or objectives of the Kent Downs AONB Management Plan.

#### Comments on the Lighting Assessment

We disagree with the categorisation of the site in the Lighting Assessment as lying within an E3 Environmental Zone, which is specified as being a Suburban area where there is medium district brightness with examples identified as small town centres or suburban locations. The site is clearly rural in nature and aligns more closely with the surrounding farmed countryside rather than the small scale adjacent business park.

The Lighting Assessment recognises that overall sky glow will increase as a result of the development and that the sports pitch lighting will provide a higher obtrusive impact on the AONB. We would contend however that all light pollution, however small contributes to the general erosion of darkness in the AONB

#### Conclusion

The application site lies within the Kent Downs AONB, a nationally protected landscape and is rural in nature. The scale of the development together with its inappropriate location and the poor relationship to existing settlement pattern would result in a significant detrimental change to landscape character as well as harming visual amenity, removing the current sense of openness and failing to conserve and enhance the landscape and scenic beauty of the AONB.

As such, it is considered that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the revised NPPF, in particular paragraph 172 which provides that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

The [applicant] has not adequately demonstrated that the development could not be provided on less sensitive sites, including those outside of the AONB. The development would not represent exceptional circumstances, nor be in the public interest, given the scale of development and significant harm that would arise to a nationally protected landscape. Boosting the supply of holiday homes and employment land does not comprise sufficient justification for allowing major new development in the AONB. The application fails all three tests for major development within AONBs as well as being contrary to the first part of the paragraph which requires that great weight be given to conserving landscape and scenic beauty and that the scale and extent of development within these areas should be limited.

The Kent Downs AONB Unit therefore objects to the application.

## **22. Dover District Council**

There are a number of aspects of the proposal that we consider will have an impact upon Dover district, its environment and our residents, and this response focuses on those aspects. These can be neatly grouped under the following sub-headings:

- Proposed sports facilities
- Impact on the AONB
- Highways and traffic
- Economic impact
- Infrastructure issues

#### Proposed Sports facilities

From the supporting documents submitted with the application, it is apparent that the prime motivation for this proposal is to provide a “home” for Canterbury’s senior football and rugby clubs. Whilst that is clearly a laudable objective, and DDC recognises the potential benefits of co-location to provide a “sports hub”, we do not consider that this necessarily amounts to the creation of a “Centre of Sporting Excellence”. The provision of such a facility would imply something of regional or sub-regional scale, rather than something borne out of a desire to solve the issues faced by local clubs. If that really is the objective, the search for appropriate sites needs to be carried out on a wider geographical basis and, amongst other things, ought to include an analysis of neighbouring authorities’ strategies for sports provision. No such wider analysis is provided here, meaning that the choice of this particular location has not been fully justified.

Looking at this from a very local standpoint, there is, for example, no consideration of the potential offered by the existing facilities at Aylesham which is quite close by (especially when seen in the context of the 30-minute drive time threshold mentioned in the application). Conversely, there is no consideration of the possible impact on the viability of the facilities at Aylesham, which are of strategic importance to sports provision within Dover district.

DDC notes that there does not appear to be any clear endorsement of the proposal, either in terms of the principle of providing a Centre of Sporting Excellence or in terms of providing one in this specific location, from Sport England, or from any of the National Governing Bodies of Sport; although the Kent FA has written to support the application, their views are entirely based on the opportunity to provide a home for Canterbury City Football Club, rather on commenting on any wider issues.

DDC therefore has doubts as to whether what is proposed truly amounts to a Centre for Sporting Excellence and considers that the case for providing such facilities in this particular location has not been fully made out, and that no account has been taken of the impact on existing facilities elsewhere.

#### Impact on the AONB

This is a very substantial development covering an extensive geographical area within the Kent Downs AONB. At its closest point it is less than 3km from our mutual boundary, the nearest settlement within Dover district being at Aylesham. Given the extent and nature of the development and the general form of the topography in the vicinity, the visual effect on the wider AONB will be significant, and not simply confined to the immediate environs of the application site. Apart from its proximity to the District boundary, the site is immediately adjacent to the A2 and thus readily open to wider public views. This means that development on this scale will inevitably have a significant impact on the integrity of the AONB and its intrinsic character and the ways in which this can be appreciated by Dover residents. Paragraph 172 of the NPPF says

that Areas of Outstanding Natural Beauty are amongst those areas that have the highest status of protection in relation to the conservation and enhancement of their landscape and natural beauty, and great weight should be given to these objectives.

DDC has noted the formal views of Natural England and the Kent Downs AONB Unit regarding the impact of the proposed development on the AONB and their analysis leading to the conclusion that this would be unacceptably harmful to the landscape and natural beauty of the AONB. We fully endorse those views. In particular, DDC agrees with the assessment that the introduction of substantial landscaping in an attempt to screen the development could not mitigate the visual impact and, moreover, that planting of the scale and nature required to make any significant impact in this regard would, in itself, be harmful to the open landscape character of this part of the AONB.

DDC considers this to be a major development which, in accordance with NPPF paragraph 172, should be refused unless exceptional circumstances exist and it can be demonstrated to be in the public interest. We accept that it is for Canterbury City Council to determine whether any of the exceptional circumstances set out in the second half of paragraph 172 have been sufficiently demonstrated. However, for a development of this scale and nature, and given the way in which the proposed development would impact upon the ability of the public at large, including Dover residents, to enjoy and appreciate the AONB, DDC considers that this would be an extremely tough test to meet. For example, it would be difficult to argue that national considerations apply here and, as has been pointed out by other statutory consultees, there are large parts of Canterbury CC's area that lie outside the AONB.

For these reasons, DDC objects to the development because of the unacceptable impact on the intrinsic character of the AONB, contrary to national policy as set out in the NPPF, and the lack of a clear public interest case in line with the requirements of NPPF paragraph 172.

#### Highways and traffic

DDC has considered this issue from a strategic viewpoint and in particular in terms of the impact on the major road network – principally the A2.

DDC does not consider this to be a sustainable location for a development of this scale and nature. It is remote from any settlement commensurate in size to the level of activities (leisure, employment, retail) that are proposed and as a result of this the demand for travel that would arise is very substantial. Public transport facilities are minimal and we consider it unrealistic to expect that such facilities could be provided to such an extent that would avoid reliance upon the private car for the vast majority of those visiting the site.

Quite apart from the propensity for the development to attract cross-country travel on inappropriate minor roads (a significant proportion of which pass through Dover district), the impact on the levels of traffic using the A2 will be very significant. It has already been identified that other long-term strategic projects are going to increase usage on the A2, including the Lower Thames Crossing which is forecast to divert traffic from the M20 corridor to the A2/M2. This has particular significance for Dover district given the lack of capacity on certain stretches of the A2 including the single-carriageway section between Lydden and Whitfield.

DDC has noted the concerns expressed by Highways England over the inability of the proposed highways infrastructure to accommodate the predicted traffic levels and the impact that this will have on the smooth operation of the A2; if those concerns are

realised (as we believe they would be) this would further reduce the ability of the strategic road network to absorb traffic demand from elsewhere.

For these reasons, DDC objects to the proposed development because of the harmful impact on the efficient operation of the strategic road network. In particular, DDC is not convinced that the development can satisfactorily fulfil the requirements of paragraph 103 of the NPPF. We ask that Canterbury City Council's assessment of this issue takes full account of the other foreseeable pressures that this section of the A2 will be subject to.

#### Economic impact

The provision of the employment, leisure, retail, and tourism uses appears to be justified solely by the desire to provide development funding to underwrite the sports provision. There can be no other justification for the provision of these uses (and to this extent) in this location.

Having said that, DDC perceives both positive and less positive economic impacts, both in a sub-regional sense and in terms of the impact on Dover district itself.

It is evident that the proposed development represents a significant capital investment in the locality. Alongside the jobs created during the construction phase, the submitted statements indicate that circa 3000 FTE jobs will be created in gross terms directly on-site once fully operational. This in turn, is estimated to generate circa £38m GVA during the construction phase and £735m over a 10year period once the site is fully built-out and operational. In addition, the proposal is also estimated to generate an additional £2.1m per annum annual spend which will be spent in Kent and the surrounding area.

Taking the above outputs, these flow from a very significant degree of investment in the East Kent locality. So often, major proposals are marginal or need investment support. From an inward investment perspective DDC recognises that the scale of proposed investment, particularly at this time, represents a positive indication to the market place that the locality and wider area is "open to business". It is also inevitable that this will provide a reflected recognition and foster other investment opportunities elsewhere in proximity to the site. Having said that, there is no way of guaranteeing that the development will ever be built-out in full or that the economic benefits as outlined will be fully realised.

With regard specifically to the tourism aspects of the proposal, it is evident that it brings a range of both positive and negative considerations which will need to be weighed in the wider planning balance.

From a positive perspective, it brings a new potential 'year-round' market to the wider locality to potentially visit and spend money within it, and it could promote interest in the potential for other similar developments or trigger new investment in the current stock of Holiday Home/Park facilities, thus providing an uplift in quality. On the other hand, it is not in a location that provides obvious linkages to other existing tourist facilities and the provision of an exceptionally large concentration of holiday homes here could serve to undermine the viability of more traditional tourist destinations, including the coastal towns in Dover district and elsewhere in east Kent. There is also a risk that the leisure space (gym, spa with restaurant) could have a similarly negative impact on the viability and long-term survival of publicly-funded investment in parallel facilities elsewhere. You will understand DDC's nervousness that the proposed facilities could draw some potential market from the new Leisure Centre in Whitfield (and the sports facilities at Aylesham), both of which are only a short distance away.

Looking at the economic arguments overall, although there are some benefits to be derived for the wider locality (including Dover district) DDC does not consider that these are sufficiently tangible and predictable in terms of their impact on Dover as to provide a clear case for overriding the other planning objections that have been identified. In terms of the sorts of exceptional circumstances referred to in NPPF para 172, for example, we would find it difficult to accept that this amounts to a coherent and persuasive case in favour of the development.

#### Infrastructure issues

DDC has concerns that insufficient regard has been had to the availability and accessibility of adequate water supplies to service this development. This is a strategic issue that goes beyond local authority boundaries. It is well known and accepted that east Kent is an area of water stress. We have been unable to find anywhere in the application documents where this issue is addressed in depth.

The mix of uses proposed (including in particular the proposed sports uses) is likely to give rise to exceptional demand for water at times when supplies are already under stress. This issue is exacerbated by the location of the site, remote from any significant servicing infrastructure.

We have similar concerns regarding sewerage capacity locally and the availability of treatment capacity, and note that Southern Water considers the development to be premature in advance of the provision of additional treatment capacity.

#### Conclusion

In summary, therefore, DDC objects to the proposal because of the harmful and unacceptable impact on the AONB, which we do not believe can be adequately mitigated, and because this is an unsustainable location for the proposed development. The demand for travel to the site will be such that it cannot be absorbed into the strategic road network without substantial investment beyond the immediate locality. We have serious doubts that the proposal will actually deliver a Centre of Sporting Excellence and in any event the locational analysis to support the provision of such a facility in this location is inadequate. There is no justification for the other elements of the scheme other than to support the sports facilities. Whilst we can perceive some wider economic benefits, we do not consider these to be of sufficient weight to overcome the objections we have identified. NPPF paragraph 172 rightly sets a “high bar” for major development in the AONB; DDC considers that this application fails to provide sufficient justification for the proposed development. We also have concerns over whether there is adequate infrastructure to support a development of this scale in this location, particularly with regard to water supply and sewerage.

### **23. Historic England**

Historic England has submitted a detailed response, which in summary states:

#### Summary

Historic England has serious concerns about the impact of the proposed development on the significance of both the grade II\* listed Higham Court and the conservation area. We think the level of harm to both is at the higher end of less than substantial. We assess that the proposal fails to meet the requirements of Paragraphs 190 and 194 of the NPPF because it has not been shown that the public benefits proposed arising from the scheme as currently proposed cannot be delivered elsewhere thus avoiding harm altogether, or that if harm is unavoidable it has been minimised.

### Impact of the Proposed Development

Taken as a whole, the proposed development (PDA) will fundamentally alter the character of the conservation area (and its setting) and the land which forms much of the setting of Higham Court transforming it from one which is predominantly rural to one which is heavily urbanised..

The most harmful elements are in our view the northern, eastern and southern parts of the PDA where artisan offices, commercial units, food and drinks hub, an innovation centre, a business park (warehouse and distribution uses), a leisure hub and up to 175 holiday homes are proposed. The wider rural context for Higham Court, including land to its north-east and east which historically formed part of its farmland estate will also be seriously compromised by building extensively across it. Constructing new warehouse and distribution buildings on land to the south-east of Higham Court which was historically part of the pocket parkland, but is now used for fruit orchards, will also contribute to the sense that the predominantly rural context for the house is compromised by the development. The centre for sports excellence will also compound a sense that the once rural setting for the house has been further compromised. Despite not including for any large buildings, extensive ground works are required to level the land for sports pitches and this and any flood lighting, boundary treatments and parking will also compromise its very rural character.

The effect of building across elements of the conservation area which contribute to its significance also causes a high level of harm to it. While some of the land use has changed, the key components of the historic estate, house, remnants of the pocket parkland and a model farm surrounded by farmland remain. Building across large parts of this including areas of farmland to the north and east side of the conservation area and within its direct setting seriously compromises our understanding of the historic use of this land and its relationship to the mansion which forms the focal point of the estate. Most notably the model farm will entirely lose its farmland setting which is essential to help understand the historic relationship between the farm and the fields which it served.

The effect of this much change within the setting of the grade II\* listed building and within the conservation area and in parts of its immediate setting will be experienced in a number of ways. Firstly, there are shorter views from within the conservation area, such as from the model farm towards the fields which surround it or from within the fields north-east of Higham Court. For the latter the overriding character of the landscape is rural despite modern fruit packing buildings directly east of Higham Court .....In longer views towards the conservation area and especially from Bramling Road, along which glimpsed views of the house are possible, the wider rural setting appreciated in these views will be seriously compromised by new development.

In views from the west of Higham Court (i.e. from the area of the proposed sports pitches) the II\* listed building can be appreciated in its rural setting. While it is only seen in glimpsed views this is sufficient to understand that it is a significant historic country house and that the surrounding fields which give it a rural context help to illustrate its historic function. Compromising these views by building a number of sports pitches with their associated paraphernalia will contribute to the overall level of harm.

We assess that the level of harm to both the conservation area and to the significance of the grade II\* listed house does not quite reach the high bar that must be set for this to be substantial within the terms of the NPPF and advice in the PPG (Planning Practice Guidance). Nevertheless we do think that the harm is towards the high end of less than substantial because of the very high level of change to areas of the setting of

the house and of the conservation area which contribute positively to the significance of both. This means that the likely level of harm is a serious issue.

#### Policy Context and Historic England Position

The Government has put in place a strong legislative and policy context governing change in the historic environment and conservation of the significance of designated heritage assets. The National Planning Policy Framework notes that heritage assets are “an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”

In this case there is no information within the proposal to suggest that alternative sites for the wide range of uses proposed are not deliverable, thus avoiding altogether the high level of harm that we assess will be caused. On this basis we conclude it has not been demonstrated that the harm has been avoided or minimised and thus also that it has clear and convincing justification as per the requirements of Paragraphs 190 and 194. Your Council might conclude that this alone is grounds for refusal.

In reaching a decision on the proposal your Council will also need to consider Paragraph 193 of the framework which requires that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds and consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 190 and 194. In determining this 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 setting or any features of special architectural or historic interest which they possess and 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 or appearance of conservation areas.

## **24. Highways England**

#### Trip Generation

The evidence base for estimating trip generation from the commercial elements and residential holiday homes does not accord with best practice.

Trips to/from the Rugby and Football clubs are based on first principles and this is considered acceptable in principle.

#### Traffic Distribution

The TA assumes that 80% of these trips will be internal – to / from the 175 holiday homes and the employment sites. ....However, the Gym and Restaurant land uses will likely generate new trips from outer areas. ....and we therefore require additional information and / or evidence to support.

#### Junction Capacity and Impact Assessments

Data suggests that the junction will be operating above operating capacity and very close to theoretical capacity. We require further evidence before we can conclusively accept that queueing traffic will not impact the A2 mainline in the Saturday peak hour.

will not affect the A2 mainline and that mitigation is therefore not required.

We will provide a formal recommendation when we can be confident that the application is in its final form. In the meantime, we would ask that the authority does not determine the application (other than a refusal), ahead of us received and responding to the required information. In the event that the authority wishes to permit the application before this point, we would ask the authority to inform us so that we can provide substantive response based on the position at that known time.

## **25. Kent County Council Highways and Transportation**

### Bus services, cycling and bus access:

- The applicant advises that is outlined that bus services can be accommodated within the site.
- To secure provision of bus services into the site the highway authority (HA) would require pump prime funding to ensure that a frequent service is available for at least 3 years from site opening.
- Frequent services currently operate through Bridge however these stops are more than 500 metres from the closest parts of this development, and would require all potential bus users to divert along the public rights of way (PROW) in the vicinity of Higham Park, or to cross the A2 slip road(s) and Coldharbour Lane.
- The existing PROW routes will need to be improved / widened and surfaced to encourage cycling to and from the site and ensure safe space for all potential users of these routes.

### Survey data and TRIC's assessment:

- The survey data is not based on a traffic neutral period and the applicants will need to collect additional survey data. A number are also out of date and will need to be re-done.
- When carrying out its own comparison the HA found that the trip rates associated with the proposed residential units were much higher than that presented by the applicant.
- In general the HA is satisfied with the proposed peak hour assessments....
- The TA outlines that several of the trips associated with the local centre will be internal trips from the holiday homes and employment uses within the development. 80% of the trips generated to the restaurant, leisure hub and retail elements of the site. The HA strongly dispute this. Due to the sites rural location and the lack of surrounding amenities (in terms of leisure facilities and food shops in particular) this site would present a far more attractive and nearby option for residents in Bridge, Barham and other nearby villages which would encourage additional trips to the site. A large leisure facility would generate significant demand in the local area, as would 1,608m<sup>2</sup> of retail. The HA believes that there will be some internal trips, but would suggest a figure of 30% would be more appropriate rather than 80%.
- The traffic assessment for the proposed sports hub (for both the football and rugby club) has been assessed based on the numbers anticipated by the rugby and football clubs which is considered to be robust.

### Proposed junction assessments:

- It is noted that each of the junctions appear to have been modelled based on the 'modelled average queue', this appears to have shown greatly reduced queues and waiting times compared to the actual measured scenario. All junction capacity assessments should be assessed based on the 'average observed queue' informed by the revised survey data.

- Some of the junctions appear to fail based on the submitted junction modelling.

#### Holiday homes:

- It is noted that for robustness the applicant has assessed the holiday lets as private residential units. The holiday homes will not be used as primary places of residence, however they will operate as income-generating holiday lets. How would the use of the holiday units be enforced?

#### Travel Plan:

- Several positive measures are proposed within the travel plan (including provision of a bike maintenance / repair station, shower and locker facilities throughout the site to encourage walking and cycling. It is noted that some form of bike purchase scheme should be offered to staff by prospective employers on the site to encourage take up of cycling.

#### Centre for sporting excellence:

- Both sites appear to have sufficient parking for cars, bikes, mobility impaired and motorcycles along with turning and drop off areas for deliveries.

#### Innovation Centre, food and drinks hub and leisure hub:

- All parking for all uses across the site should be provided to meet maximum standards, as outlined in the CCC local plan, due to the sites rural location and likely high use of private vehicles to reach the site.
- Some form of delivery loading area will be needed to serve each block / food court, and HGV parking will be needed to serve each of the blocks proposed at the innovation centre (B1 use).
- At least 1 coach parking space should be provided at the leisure centre.

#### Other matters:

- It is suggested that a bus / shuttle service could be operated from the New Dover Road park and ride, this will need to be discussed and agreed with Canterbury City Council (CCC). The applicants have not provided any information to detail how a shuttle bus service will be maintained in the long term and it is instead recommended that funding be allocated to pump prime bus services into the development site.
- The highway authority maintain that the site is not located in a sustainable location, as such is contrary to the adopted Canterbury Local Plan. Within the Transport Assessment (TA) the applicants have outlined ways in which they propose to improve bus provision to the site, but this is dependent on agreement with the bus operator.
- The HA wish to place a holding objection to this application until surveys have been re-done, the up to date junction modelling has been completed and additional plans requested above submitted.

## **26. CCC Heritage**

Special regard must be had to the desirability of preserving the setting of listed buildings and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The site lies within the setting of the Grade II\* listed Higham land Court Hospital (Higham Park) and a number of other listed buildings within the vicinity. It lies within Highland Court Conservation Area and within the setting of other conservation areas including Ileden Park, Bifrons Park, Bekesbourne and Patixbourne, Bridge and Bourne

Park. Highland Court Farm is a former model farm within the site and is considered an undesignated heritage asset.

The proposed would entail the removal of part of the original parkland and agricultural setting around the grade II\* listed house to be replaced with a large urbanising development that would profoundly alter the character and appearance of the conservation area, its setting and the setting of the Grade II\* listed Higham Court.

The majority of holiday homes, leisure, food and sports hubs lie within its setting. Development is positioned on land that historically formed parkland and the wider farmland estate.

The development would result in a significant urbanising effect. The proposal would bring with it significant levels of built development, associated traffic and infrastructure to service large scale commercial, leisure and domestic activity, together with associated intrusions such as light pollution at night from the holiday homes, street-lighting and floodlighting. Thus, large areas of the former park and agricultural land would be largely extinguished to be replaced with development that fundamentally alters the character of the landscape within and around the conservation area and setting of the grade II\* listed house.

The extensive physical changes would be visible in a number of views from inside the conservation area and in more distant views. The proposed development would compromise these views by noticeably altering the characteristics of the area and severing the connection Higham Court as focus of historic country estate and the model farm from surrounding agricultural fields.

The proposal would significantly diminish the character and appearance of the conservation area, its setting and the setting of the Grade II\* listed Higham Court by reducing the ability to appreciate and understand the relationship between park and agricultural land to the grade II\* listed house and model farm. Although the scheme would result in appreciable harm, the harm identified would be 'less than substantial' given the high level of change to the setting of the house and of the conservation area which contribute positively to the significance of both.

## **27. CCC Archaeology**

The archaeological assessment undertaken by Canterbury Archaeological Trust (2017), and summarised in the Environmental Statement has identified known and potential archaeological remains within the application site, ranging in date from prehistoric to modern. These include, but are not limited to, settlement and burial evidence of Bronze Age to Early Iron Age date, indicated by excavated sites and a large number of features identified through cropmark analysis on aerial photography. Medieval settlement and agricultural features are recorded widely, and evidence of the medieval settlement of Higham, since lost, may also survive.

The submitted assessment suggests known and potential remains are of regional, and perhaps national significance. However, the ES states that: "The full significance of these archaeological remains has not been established" (ES 2018:478).

The Environmental Statement identifies groundworks during the construction phase as the principal effect (impact) to the buried archaeological resource, acknowledging that groundworks will destroy or damage known and unrecorded archaeological remains, resulting in a moderate-adverse effect. The ES concludes that the moderate-adverse effect on archaeological remains can be mitigated through archaeological investigation,

recording and publication, thus reducing the overall effect to minor-adverse, defined as: a minor negative impact on the setting or overall character of a heritage asset.

#### Response and Recommendations

- NPPF policy has not been applied to the archaeological significance or harm, nor is Policy HE11 (Archaeology) of the Canterbury Local Plan.
- The ES acknowledges that the significance of archaeological remains, including the extent, nature, date and importance, is undetermined, and not fully understood. Given the current lack of understanding of the significance of the buried archaeological resource, the subsequent ES assessment is irrelevant.
- The ES suggests that a programme of mitigation comprising geophysical survey, trial trenching and (if appropriate) further excavation should be employed. However, this work is not mitigation; these are assessment methods used in order to establish significance; mitigation measures will be determined based on the evidence accumulated through these methods, but they do not constitute mitigation in themselves.
- The specialist assessment carried out by Canterbury Archaeological Trust has identified a number of areas of further work:
- Analysis of post-medieval documentary sources relating to the historic landscape development around Highland Court Farm and Coldharbour Farm, to understand historic development and the significance of the medieval settlement of Higham.
- Updated analysis of air and satellite imagery.
- Geophysical ground survey.
- Archaeological trial trench evaluation.
- This work is required in order that the significance of the known and potential archaeological remains is understood as fully as possible, and therefore for an informed decision regarding preservation and/or mitigation to be made.

#### Summary

- Paragraph 189 of the NPPF states that LPA's should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In this case, heritage assets include the known and potential archaeological remains within the application site. As discussed, insufficient assessment has been undertaken and the significance of the archaeological resource is not sufficiently understood. Therefore, it is not possible at this stage to understand the potential impacts of the proposals on the significance of the archaeological resource.
- As the significance of the archaeological resource is not fully understood, it is not possible to undertake the test outlined in Paragraph 197 of the NPPF: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- Policy HE11 of the Canterbury Local Plan states that sites where important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of determination of planning applications. No such evaluation has been undertaken, and the character, importance and condition of archaeological remains is unknown.
- Insufficient information has been submitted with this application; further assessment of the archaeological resource is required in order for the significance of known and potential archaeological remains to be fully understood. In the absence of sufficient information, the proposals do not meet the requirements of

the NPPF or Canterbury Local Plan policies. The application should be refused or withdrawn until the necessary assessment has been completed.

#### **28. Environment Agency**

Raise no objection, subject to conditions addressing ground remediation, groundwater protection and piling.

#### **29. Southern Water**

Consider the development to be premature and advise that a number of matters should be addressed and recommend a number of conditions relating to:

- The location of excavation, mounding or tree planting
- The location of soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features
- Wastewater discharge

#### **30. Sport England**

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations.

In assessing this application, which includes new sports facilities, I have consulted both the Football Foundation on behalf of the FA, and the ECB. There is no up to date Playing Pitch Strategy for the area.

The FF states that it fully supports this proposal based on the population growth as well as the fact that Canterbury City FC teams are playing at a number of facilities throughout Canterbury district area. The first team are current playing at Faversham and last season at Deal Town FC. The FF have no doubt that the development of a centre of sporting excellence will increase and sustain the participation of football players and volunteers. The FF fully support the principle of the scheme.

The ECB note that it is proposed to build in the field adjacent to existing cricket pitches. They note that current boundaries are 60m which is Premier League standard. The ECB ask that there is a requirement for the design and siting of the office buildings to create as much space as possible in light of the cricket ground. There should also be a risk assessment carried out once the full extent of the designs for the offices are known and ball stop netting mandated if required.

#### **31. Coal Authority**

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it

will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### **32. Kent County Council Ecological Advice Service**

We have reviewed the ecological information submitted with the planning application and we advise that sufficient information has been provided to determine the planning application.

We are satisfied with the range of ecological surveys which have been carried out which have confirmed the following have been recorded within or adjacent to the site:

- At least 7 species of foraging bats
- Confirmed common pipistrelle roost
- Trees with bat roost potential (although no surveys were carried out)
- 3 species of reptiles
- Great crested newt within adjacent pond
- At least 43 species of birds (31 recorded as breeding/possible breeders)
- Dormouse
- Badger setts

The proposed development will result in a loss or impact on habitat which support the above species. The ES has provided an over view on the mitigation and habitat creation which will be required to maintain the ecological interest of the majority of the species which have been recorded within the site.

We are satisfied that due to the range of ecological surveys carried out and mitigation proposed that sufficient survey information has been submitted however we highlight that there may be a need for additional surveys carried out to inform the detailed mitigation strategies.

The need for the additional surveys is due to the following reasons:

- Need for bat emergence surveys on trees identified during the previous survey as having some roosting potential
- Age of the data – there may be a time lapse between the submission of the planning application and the production of the mitigation strategy
- Change in site management and therefore the existing survey data is no longer valid

An outline management plan has been submitted and from reviewing this report it is likely that the created habitats on site can be managed appropriately in the long term. However we highlight that if planning permission is granted a detailed management plan must be submitted as a condition of planning permission.

Since reviewing the ES in more detail we do accept that due to the proposed habitat creation within the whole development we accept sufficient information has been provided to demonstrate that appropriate mitigation can be implemented within the site. Therefore we accept that the detailed mitigation strategy can be submitted as a condition of planning permission.

KCC conclude that the above matters could be addressed through the use of planning conditions

### **33. Kent County Council Flood and Water Management**

We have reviewed the details proposed within the Flood Risk Assessment & Preliminary Surface Water Drainage Strategy by C&A Consulting Engineers, dated September 2018. The report collates details of the proposals in preliminary form, and includes details of off-site works to reduce risk from overland flow and results of ground investigations.

Whilst the drainage strategy is preliminary at this stage, the ground investigations in particular highlight favourable ground conditions for infiltration drainage, with the Chalk being encountered at shallow depths and infiltration rates being suitable for a variety of SuDS features. Accordingly we are satisfied that the proposals will be deliverable, subject to detailed design, and are satisfied with the range of SuDS features being incorporated to promote additional benefits such as amenity value.

It is likely that there will be interlink between phases in terms of providing the strategy network and outfall infiltration basins (as they interlink via swales). We would recommend that information is presented prior to commencement of development to confirm the arrangements for phasing of the development and the drainage provision.

Should your authority be minded to grant permission for the above development, we would recommend conditions are attached.

### **34. Kent County Council Education and Community Services**

KCC has noted the above application and considered it for S106 contributions for Education and Community purposes. Contributions for primary and secondary education, community learning, social services, libraries and youth have been calculated at zero on the assumption that the holiday homes (up to 175 units) will not be permanent residences and this should be reflected within the planning conditions. If this should change at Reserved Matters planning application stage, KCC will recalculate its requirements accordingly.

### **35. Kent County Council Public Rights of Way and Access Service**

The application's masterplan shows that public bridleways CB325 and CB268, which forms part of the North Downs Way, are proposed to run within wide green corridors in line with Kent Design guidance. We are happy to see that the enjoyment and safety of the user have been considered here but due to the predicted increase in traffic, ask that a Pegasus Crossing is included to provide a safe crossing point over Coldharbour Lane. We also have concerns that both bridleways may be encroached upon by the sports centre, and would like to see a more detailed map showing how the boundary of the sports centre relates to these bridleways. We will welcome further details about the boundary construction to ensure bridleway users are properly screened from any sports activity.

The masterplan shows that public bridleway CB323 will stay on the legal alignment and runs adjacent to areas of residential holiday homes, mixed use court, artisan offices and sports centre. Factors including sections of bridleway being proposed to follow the alignment of access roads, together with the four proposed access roads intersecting the bridleway's route, will subject walkers, cyclists and horse riders to an increased risk of collision from motorised vehicles. There is also a clear need for new structures to span water courses

Although the current alignment of Bridleway CB324 runs partly along Partridge Drive, the speed and quantity of traffic is currently low and although not ideal, walkers, cyclists and horse riders are not deterred from using this route. An increase in traffic will change the character of the route making it less attractive and safe for users, effectively deterring legitimate use. We request the provision of a motorised traffic free alternative route to ensure there is no net loss of usable PROW network within the site and that detrimental impact to current users is minimalised.

The pressure that additional usage, generated by the development has on the existing network needs to be considered. All bridleways within the site will need to be improved to mitigate the additional use generated. An equestrian suitable surface will need to be provided with a minimum width of 3m.

We believe that the PROW network has not been given sufficient consideration throughout the development. The PROW in this area currently offers the public a good network of linked, off road routes used by walkers, cyclists and horse riders. Although the masterplan has included a generous number of additional pedestrian-only routes, which we welcome, the popular equestrian use of the area has not been reflected in the proposed new routes within the site.

As the application is currently presented I have no option but to place a holding objection until the following issues are addressed:

- A Pegasus Crossing is required over Coldharbour Lane.
- Alternative routes for bridleways CB323 and CB324 need to be provided.
  - We have some ideas as to how the routes may be better accommodated and harmful impacts mitigated and will be happy to discuss these in more detail.
  - Suitable surfacing for existing and proposed bridleway routes need to be provided within the site. The specification for this will need to be approved and authorised by Kent County Council's PROW and Access Service. A commuted sum may be sought for ongoing maintenance of such routes.
  - Design should be amended to remove the need for bridges or allowance made to accommodate equestrian requirements. Should it not be possible to design out the need for bridges allowance should be made for the provision of a commuted sum to meet the ongoing cost of bridge management and replacement

### **36. Kent Police**

Recognise the applicant's attempts to address crime prevention through design, but recommend further details are addressed in relation to:

- ensure that parking areas are design to be safe
- ensure that elements such as bridleways and cycle routes are safe and well lit

### **37. Canterbury City Council Environmental Health**

#### Contaminated Land

The Phase 1 Report recommends an intrusive investigation be carried out along with ground gas monitoring and Radon measures to be incorporated into buildings – CCC EHO in agreement with these recommendations.

#### Construction Environment Management Plan (CEMP)

A Construction Environment Management Plan (CEMP) should be submitted for approval showing how the effects of noise, dust, etc will be controlled and mitigated during demolition and construction phases. All demolition and construction work should be carried out in accordance with the approved CEMP.

Hours of Work, Deliveries, etc

Noisy work, deliveries, etc should not take place outside the following times without the prior written agreement of the Council or unless in association with an emergency: 07:30 to 18:00 Monday to Friday 08:00 to 13:00 Saturday No such activity should take place on a Sunday or public holiday.

Noise

Clarification on noise testing methodology required. Conditions required relating to plant noise control measures. The Leisure Hub includes a Function and Event Space and is about 75m from the nearest holiday homes, but there seems to have been no assessment of the possible of noise coming from this space.

Lighting

The Lighting report talks about controlling the impact from the Sports Hub with an appropriate choice of lighting units, etc, but there does not seem to be any idea of the light spill from the pitches with such lights in use. This would be needed before we could comment properly on the suitability of the lighting scheme.

**38. Canterbury City Council Air Quality Officer**

The development will generate a large number of vehicle movements which will affect the local road network including roads that are within the Canterbury AQMA. The assessment methodology is acceptable and the outcome shows that the development will have a moderate impact on air quality which therefore needs to be mitigated. An emissions mitigation assessment has been undertaken which has determined that the 5 year damage costs from the development are £244,660, however a breakdown of costings for mitigation has not been provided.

The following mitigation measures are to be implemented:

- All gas fired boilers to meet the minimum standard of <40mgNOx/kWh;
- Electric vehicle charging points;
- Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies;
- A welcome pack available to all new residents online and as a booklet containing information and incentives to encourage use of sustainable travel modes;
- Improved cycle paths; and,
- Using green infrastructure i.e. trees to absorb dust and other pollutants.

However, the quantification of the emissions reductions associated with the implementation of these measures show that only minimal reductions in air pollution will be achieved at a small number of receptors. I am therefore concerned that the impact of the development on air pollution will not be adequately mitigated.

I note that the travel plan mentions that discussions are ongoing between the developer and Canterbury City Council with regard to the potential for a bespoke developer-funded P&R service between the New Dover Road P&R site and Highland Court Farm. This could provide a regular shuttle bus service enabling people to park at the P&R site and travel by bus to the development. The travel plan also mentions the use of shuttle buses and the extension of existing Stagecoach bus services.

I would wish to see the above mitigation measures implemented at this site.

I am also concerned that the application does not include any reference to the use of electric vehicles within the development but only refers to the provision of electric charging points. The vehicle fleet associated with the development will contribute to air pollution. I would therefore wish the applicant to provide further information on the use of electric vehicles within the development.

**39. Kent Fire & Rescue**

Confirm that the means of access is acceptable.

**40. CCC Street Trees**

Wildflower meadows are very high maintenance often becoming overrun by "weeds" It may be possible to establish a meadow on the chalky soil but it will need a lot of work, cut and clear operations for example to stop what is currently farmland becoming a jungle.

**41. NHS Canterbury CCG**

The application is for 175 dwellings which will bring an estimated population of 410 patients who will all require access to primary care services. Request contribution towards provision of additional capacity at Canterbury Medical Practice, Bridge.

REPRESENTATIONS

42. We have received circa 1,708 representations from individuals where a valid contact address has been provided. 1,137 in support and 571 objecting.

43. The comments that were made in support of the application, centred on the following points:

- health and wellbeing in general
- support for the rugby element
- support for the football element
- economic benefits, including opportunities to create new jobs and support businesses
- tourism benefits
- top end holiday homes are needed
- benefits to students
- the leisure hub is a good idea
- having so many facilities under one roof is fantastic
- support for the promotion of locally grown sourced produce
- opening up the countryside is positive
- the AONB would not be harmed
- traffic would not be an issue, the development would take traffic away from the city
- the development is in the right place
- the development is tucked away
- community and economic considerations must be weighed against environmental ones.

44. Those objecting to the application raised the following issues:

- harm to AONB objectives, or inadequate justification for development within the AONB

- traffic related issues, including concerns regarding the level of traffic, the capacity of the A2 junction, the narrow unsuitability of local roads
- concerns regarding the conflict between both traffic and built development and the local pedestrian, cycle and bridleway routes
- adverse impact upon or loss of ecology, wildlife, flora and fauna
- loss of countryside, the impact on landscape and views
- the impact of light pollution and loss of dark skies
- air quality concerns
- the increase in noise
- there was no need for holiday / second homes
- local housing need would not be addressed, whilst
- concerns that the holiday homes would become permanent
- the principal of the scheme falls outside of the Local Plan
- the site is not an appropriate location for sport, with
- there was no need for sporting facilities, whilst
- the site is an un-sustainable location for sport and tourism uses
- the scale of development and the issue of overdevelopment, with,
- design concerns
- raised heritage concerns
- surface water flooding/ground water concerns
- inadequate local infrastructure to accommodate a development of this scale
- considered that there would be adverse economic impacts
- suggest that there was no specific local benefits arising

45. In addition to comments from Members of the public, the following Parish Councils local organisations and other groups also made comments. Again, full copies of these summarised comments are available to view on the Council's website.

#### 46. **Bridge Parish Council**

AONB's are some of the UK's most outstanding and treasured landscapes. On a par with the UK's National Parks, each AONB is an outstanding landscape whose distinctive character and natural beauty is so precious that it is safeguarded in the national interest". The landscape within the scope of this development and the surrounding countryside and villages falls into this "outstanding landscape" category.

Speculative development should not be conflated with "the national or public interest".

This area of protected countryside is not included for development in the Canterbury District Local Plan (adopted July 2017).

The sporting and employment elements of this application would be much better situated in a more sustainable location, closer to Canterbury, the hub of the local population.

Bus services locally are expensive and poor value for money by comparison to other transport modes. Several services have been terminated or reduced by the operator.

Quiet country lanes will no longer be a haven for cycling, walking and horse riding. Bridle paths will be severed by busy roads: traffic from across the district will be using quiet, narrow country lanes. On match days the weight of traffic will mean for most vulnerable road users i.e. walkers, cyclists and horse riders that the AONB will become a no-go zone!

The Parish Council, through more than 5 years of consultations with the local community as the Plan progressed, has a much closer understanding of local needs and sentiments than any other group or developer and on NOT ON A SINGLE OCCASION has there been any mention of holiday homes or sports stadia.

We welcome local employment but is Highland Court the right place? There are far better sites across the district, as identified in the Canterbury District Local Plan. The distance between Highland Court and the main population areas makes the site inaccessible and unsustainable.

Bridge Parish Council objects in the strongest terms to this planning application. The development falls within the Kent Area of Outstanding Natural Beauty, an Area of High Landscape Value and in part of the Highland Court Conservation Area. It will also impact on a Grade 2 Listed building Higham House-with many important historical links. This development is ill-conceived, unsustainable, will destroy wildlife habitats, will lead to the loss of high-grade agricultural land, increased traffic and pollution through the local villages and across the district and have a devastating impact on surrounding communities. It fails to meet identified local needs. It should be rejected entirely so that Canterbury can develop according to its own established and locally agreed development plan. The proposed development at Highland Court has no part to play and permission should be refused.

#### **47. Barham Parish Council**

This site is an Area of Outstanding Natural Beauty; it is within a "Special Landscape Area" (Elham East Kent Downs) - assigned in 1995 and reviewed in 2000; and also within a "Conservation Area" (Bekesbourne - Highland Court)

The consequence of converting land under this proposal would significantly change the character of the landscape. The local plan adopted by the City Council specifically recognises the need to protect AONB locations and the scale of this proposal would give an irreversible and detrimental impact to the landscape whilst the increased traffic volumes and light pollution will negatively affect the tranquillity of the area.

Users of the site will also access facilities through the minor roads to the east of the proposed development. These roads are small and used by cyclists and horse riders. The increase in traffic will decrease the safety of the existing users of these roads.

Changes in the environment and increased traffic in the area could discourage use of the area by walkers and cyclists so counterbalancing any perceived benefit in overall sporting/recreational participation.

A significant percentage of the agricultural land proposed for development falls within the category of "best and most versatile". As a stated aim of the City Council's local plan is to protect such land then any development on this land would be contrary to this stated aim and should not be allowed.

The development is inconsistent with the local plan. Major developments in an AONB are only permitted in exceptional circumstances. No elements of this proposal meet the threshold for exceptional use of an AONB and should not be allowed.

Barham Parish Council objects to this application. The development is not appropriate or justified and no single element should be permitted.

#### **48. Bekesbourne with Patricbourne Parish Council**

The overwhelming majority of our entire Parish is either against or strongly against the proposals, and believes the whole idea should be scrapped. The site is an AONB and should not be developed. The setting of the North Downs Way is an important tourist route. Higham Park and the Model Farm are in a Conservation Area. The proposed development work would have a considerable visual effect on their settings. The development is not in the Local Plan.

The Highways England analysis suggests that, as local residents already surmised, the southbound junction at Coldharbour Lane will be operating at above capacity if this development takes place. Kent Highways points to flaws in the Transport Assessment.

Our small country roads can't cope, especially as any traffic coming from the area around Canterbury east of the A2 will come across country rather than on the A2. The immediate access roads to the site are narrow rural lanes

Local people are aware of a rich diversity of species living on the proposed development site and in the surrounding area. The Kent Wildlife Trust has identified 8 vulnerable bird species on the development site, including turtle dove

Holiday homes will not benefit the local area. Light pollution would affect the local ecosystem, and lights would be visible from Thanet due to the elevation of the site.

Concern regarding the impact on the local water and sewage systems. These could be affected by sudden high demand and flow around the time of matches. This could impact the villages in the valley especially at times of high groundwater levels when the sewers can become inundated

The development site is a high point of the North Kent Downs, visible for many miles. 51% of the development site will be houses of "new urban character type" The houses envisaged are large, imposing buildings. Surrounding the buildings with a wall of vegetation around the periphery is not a sensitive design response to the special characteristics and quality of the AONB.

#### **49. Littlebourne Parish Council**

Littlebourne Parish Council are concerned over the accumulative effect of traffic passing through the rural roads. Mountfield Park has yet to begin, so we are yet to see the effects of this development, let alone another in close proximity at Highland Court. The capability of these roads to cope with this additional traffic, especially Bekesbourne Lane is questionable and certainly a concern to many.

#### **50. Womansworld Parish Council**

The proposed development is not part of the area Local Plan and therefore is not deemed suitable as the proposal is applying for exception. What is the point in drawing up a Local Plan if developers circumvent it?

The proposed development is in an area of Outstanding Natural Beauty and as such is totally inappropriate. It is a large development and would impinge on the beautiful rural setting it surrounds. In addition, light pollution would significantly increase, spoiling the ambient atmosphere in this area at night.

There are no proposals for improving the road infrastructure. This area is already heavily congested in a grid of extremely narrow roads. We also doubt whether other services, such as water, sewage etc would be able to cope.

We feel there is little demand for holiday homes in this location and as such makes the whole proposed development irrelevant.

Womenswold Parish Council does not support in any way the proposed development.

#### **51. Adisham Parish Council**

There are three main reasons why Adisham Parish Council will be objecting to this development; firstly, the site is in an Area of Outstanding Natural Beauty (AONB), secondly it is within a mile of an area of Special Scientific Interest and thirdly this development was not part of the Canterbury Local Plan (2017).

The most important overarching issue is whether there are grounds of national importance to validate the large-scale development proposed in an area designated as one of only thirty- four AONB sites in England. It is the council's position that the proposed development is not of national importance and it will destroy the natural beauty the very designation of this land seeks to conserve and enhance.

The development is considered out of character in the local area and there will be an adverse visual impact with the land currently being used for harvesting fruit and providing a successful eco-system for wildlife, flowers and plants, all of which should be protected.

To construct a housing estate of 175 homes, sports stadiums, shops/units and an artificial lake set within chalk downland is not in keeping with such a designated area of natural beauty.

The Council do not consider the construction of 175 holiday homes and sporting facilities to be of national importance and to therefore justify such destruction of our local countryside. There is no proven local need for additional holiday accommodation. Canterbury is well serviced with many hotels and lodges and a hotel in Bridge is planned alongside other holiday lets available in the village.

The Council consider there will be a detrimental effect on the character of the local area from this proposed development. Adisham is a rural village and is surrounded by fields, there are limited development options thus the village maintains a traditional character in keeping with this part of rural East Kent. Modern, self-build holiday housing, sporting stadiums, artisan shops are not part of the existing character of this area. The proposed site is also an area enjoying many different species of wildlife and plants, some of which are protected, and these will be threatened if their habitat is destroyed and if other forms of wildlife are deliberately introduced by the developers to better suit developed land or to live in an artificial lake.

The Council consider Adisham will be subjected to noise and disturbance from residents, businesses and sporting events should this development go ahead. .... Such breach of existing tranquillity is incompatible with an AONB designation and will not only have an adverse effect on the quality of life for Adisham residents but will potentially have a catastrophic impact on the existing wildlife living on that land.

The Council have significant concerns regarding the impact of increased traffic flow through the village and along the narrow country roads..... Many of the roads in Adisham do not have a pavement which is in keeping with the rural location and so any increase in traffic flow through the village will likely increase the risk of harm to residents, particularly children and the elderly living in the village. Adisham sits on cycle route 16 and so as well as the local residents, many cyclists enjoy the route from

Canterbury, through Patricbourne, up Woodlands road and eventually into Adisham. Again, there will be a potential increased risk to cyclists who use this picturesque route.

The Council do not support the construction of sporting stadiums and a private health club in this Area of Outstanding Natural Beauty. Adisham has access using public transport to a gym and sports courts in neighbouring Aylesham as well as those in Canterbury and Dover. Adisham also benefits from its own recreation ground.

## **52. Kingston Parish Council**

Kingston Parish Council state that they object in the strongest terms. The entire area of the proposed development lies within the Kent Downs AONB. Any attempt to compromise the full protection [of the AONB] sets a dangerous precedent for further development. Currently, farming on high-grade land co-exists with the area's AONB status. Under these proposals, good quality farmland would be lost under concrete.

This rural area is served by a network of minor roads. Many are too narrow for modern cars to pass comfortably. The road capacity will not cope with sudden increases in traffic volumes

90% of Kingston's questionnaire responses expressed concern over the long-term damage to the natural environment if these proposals go ahead. The area provides a long list of natural habitats, some are very rare, which would be damaged or extinguished resulting in a major loss of diversity and natural connectivity. Light and noise pollution will be further exacerbated.

This part of the Kent Down is highly valued for its bridleways and footpaths. The unwarranted severance of these links by increased traffic and the visual intrusion of buildings onto views both from and to the proposed site will destroy the natural beauty.

The proposal to build luxury homes is inappropriate for the local environment, is not needed, would add to traffic congestion. The provision of sports hubs is clearly linked to all the major environmental impacts. It is neither necessary nor acceptable to place these activities in an AONB. Sporting facilities should be provided within urban areas with various means of access and not completely reliant on cars.

## **53. Bishopsbourne Parish Council**

Bishopsbourne Parish Council have considered all the responses and feel there is no way that they can support the application. One of the main concerns were for the development being proposed in an AONB. The development is not in the Local Plan. Major developments in an AONB are only allowed in exceptional circumstances. No elements of the proposal meet the criteria for exceptional use and should not be allowed in AONB. A development of this size should not be allowed in an AONB.

The scale and density of this development is completely wrong for a rural setting within an AONB and constitutes over-development and urbanisation of the countryside.

Traffic problems is a real concern the increase in traffic flow on our busy narrow and dangerous roads would be insurmountable. Traffic congestion will increase threefold following any sporting fixtures.

There is a need for affordable housing for the young but not in an AONB. Holiday homes only seem to offer second homes to the rich which will not benefit the

community. Top grade agricultural land should not be used to build holiday homes and their supporting services

There is little or no interest in artisan foods. There is little support for the belief that it would produce more jobs and benefit for local people.

Light pollution is another real concern being on high ground the light pollution will be seen for miles around.

The drainage system is not up to coping; the main system becomes overwhelmed during wet weather. The sewage system running through the valley will not be able to cope with it when infiltrated with ground water.

It is detrimental to the historic setting of Higham House which is a Grade 2 listed building Bishopsbourne Parish Council strongly objects to this application. It feels that the proposals are not acceptable and the whole project should be scrapped. Overall, it is considered a ludicrous plan which would benefit only the developer's pocket.

#### **54. Barham Downs Action Group**

BDAG describes itself as is a local action group comprising residents from the local villages of Bridge, Bekesbourne, Patribourne, Adisham, Bishopsbourne, Barham and Kingston.

The group object in the strongest possible terms to the Hybrid Application for large-scale development on land at Highland Court Farm, Coldharbour Lane, Bekesbourne. It is not contiguous with any local settlement, is in rural countryside and as such is wholly unacceptable.

There can be no doubt that the transport system surrounding Highland Court is in no way suitable for the traffic generated and cannot be made so without wholesale destruction of a very large area. The local network of narrow, deep single track lanes with limited passing places are described as a key feature of the Kent Downs AONB and Quinn Estates have no viable plan to prevent traffic from using these beautiful lane.

The traffic entering the development will interfere dangerously with two Footpaths/Bridleways used extensively by walkers and horse riders.

Lakes and streams on top of a chalk hill are not a natural feature. They will be unsuitable to sustain wildlife as they will dry up in summer and overtop in winter. They will only detract from the stated characteristics of the Kent Downs AONB.

Air pollution from almost 2000 (or possibly more) vehicles sitting in queues is almost certain to push air pollution over recommended levels, particularly for NOx. The number of extra vehicles heading into Canterbury will add extra stress on the AQMA there.

Light pollution from the 15m high floodlights will surely have a severe impact on local residents. They will be used seven days a week for training and matches

There are two Schedule 1 animal species on the farm. These are protected across the whole of Europe; Hazel Dormouse and Great Crested Newt. Quinn Estates mitigation measures are wholly inadequate and will result in many deaths if not eradication.

Also object to the loss of such good quality farmland with much brickearth. 70% of the land on the farm is classed as excellent, good or very good.

For the above reasons and the fact that is the first major development to breach the AONB which is not of strategic significance, has nothing that is in the National Interest, no urgent need and is in flagrant breach of Planning Law and the Canterbury Local Plan I urge you, in the strongest possible terms to recommend that this proposal is rejected.

On behalf of BDAG, their appointed planning consultant makes a number of comments including:

The proposals run wholly contrary to and conflict with established national and local statutory planning policy which seeks as the highest priority to preserve and enhance the special qualities of the AONB. The submitted proposals if consented will achieve precisely the opposite effect by causing immeasurable harm to the AONB in this attractive rural location for no justifiable reason.

#### Housing

There can be no exceptional need for upscale homes (holiday or otherwise) in this location to outweigh its AONB location on the grounds of special local or national need.

It is abundantly clear that, aside from the lack of need for the proposed housing element, it can in any event be met elsewhere in line with Canterbury District Local Plan policy.

#### Employment Uses

The Business Park element would compete directly with the proposed employment uses at Mountfield Park and other locations identified through the recent Local Plan process. There is, therefore, good scope for developing this floorspace outside of the AONB in more sustainable and economically viable locations, as well as assisting the successful delivery of the Council's own strategic mixed-use allocations.

The proposed Innovation Centre, Artisan Office Space and Craft Industry space are large in scale by any stretch of the imagination but not backed by any particular local or national need that cannot be met on existing well-established commercial locations and/or on sites identified in the Canterbury District Local Plan.

The BDAG also commissioned a review of the landscape assessment accompanying the application. Extracts from their consultant's advice includes:

The special characteristics and qualities of this part of the AONB include a dramatic landform, long-distance panoramic views across open countryside and a rich mosaic of species and biodiversity-rich habitats. The local landscape includes a historic network of narrow lanes, small traditional villages, churches. This is a predominantly tranquil agricultural landscape. It is a precious and hugely important recreational resource. Access to the AONB, particularly through walking, cycling and riding, provides benefits to health and wellbeing as well as supporting the local community.

The report concludes:

The development of the proposed built form in this location is inappropriate in landscape and visual terms,

The proposals do not sensitively respond to the landscape and visual sensitivities of the AONB.

It would result in significant adverse effects on the landscape character (including historic character), natural beauty and special qualities of the Kent Downs AONB, which is so highly valued for its natural beauty and cultural importance.

The proposed development would enclose and truncate attractive views that are highly valued by both the local community and by visitors using the AONB for quiet countryside recreation.

In conclusion, the proposed development would result in significant harm to AONB views and visual amenity. It would also result in significant harm to the special characteristics and qualities, natural beauty and landscape character of this nationally and inter-nationally important resource. 12.1.8 BDAG strongly objects to this planning application on the basis of the above.

#### **55. RSPB**

The RSPB has identified the location of this proposed development as being within a core zone for turtle doves. The turtle dove is the UK's fastest declining bird species and is threatened with National extinction. The latest research shows that the biggest threat is the loss and changes to foraging habitat and their breeding grounds.

Given that Bekesbourne and the surrounding area is a real stronghold for turtle doves, we believe it is important that breeding habitats associated with this species are preserved within the area in order to ensure this important population continues to thrive.

In conclusion the RSPB objects to the application without appropriate mitigation being secured

#### **56. CPRE Kent**

CPRE Kent objects to the application as it conflicts with the adopted local plan and there are no material or exceptional considerations why the application should be permitted:

- The site is not allocated as a development site in the adopted Local Plan;
- The site lies within the Kent Downs Area of Outstanding Natural Beauty;
- The site lies within an Area of High Landscape Value;
- It is the countryside;
- The Baseline Ecological Appraisal in part uses old data, or incomplete or inadequate surveys;
- It would have an adverse impact on the Highland Court Conservation Area and Listings;
- It is not in a sustainable location;
- It would worsen air quality; and
- The site is not allocated for commercial leisure and cultural activities.

The site is not allocated, is primarily a greenfield site, lies within the North Downs Area of Outstanding Natural Beauty, an Area of High Landscape value and includes best and most versatile agricultural land.

The Local Plan Inspector was satisfied that taken as a whole the Local Plan assists in providing a supply of land for economic development that is sufficient and suitable to meet the identified needs. The Inspector considered that the Plan's development requirement of some 96,775sqm of employment floorspace was based on reasonable assumptions.

Given the recent adoption of the plan there is no need for the proposed development.

In our view there are no 'exceptional circumstances' to justify the scheme. Allowing development of this scale would not be consistent with the Council's aim to conserve and safeguard the AONB.

The proposed development will in our view be contrary to the Kent Downs AONB Management Plans Sustainable Development policies.

The proposed development will include 15m high floodlighting for the sports pitches, The proposed development will increase and intensify the extent of this light intrusion and may well result in it being experienced over a wider area. Given the site's location is it likely that the development would be visible at night from the villages along the Nail Bourne valley such as Bridge and Bishopsbourne. It would also be visible from the Conservation Areas along this valley, such as Bridge, Bishopsbourne Park, Charlton Park, Bishopsbourne, Bourne Park, and Bilton Park.

The proposed development will introduce lighting into an extensive area of protected landscape that is also an area that benefits from dark skies and is contrary to the adopted Local Plan. In our view the proposed development will not conserve and enhance natural beauty. Nor will it retain and improve tranquillity, including the experience of dark skies at night. This is a tranquil site as evidenced by the CPRE Tranquillity Map.

The North Downs Way long-distance recreational path runs along the western edge of the site, a couple of bridleways cross the site and Cycle Route 16 runs along the eastern edge of the site and to the north of the site.

The proposed development, including the proposed sports venues, would in our view not safeguard or strengthen tranquillity in this area of open countryside which benefits from important recreational routes.

The application will introduce development on the crest of the north east slopes of the Elham Valley. We are of the view that the scale, height and density of the proposed development will result in an intense urban environment in an extensive rural location.

Up-to-date ecology surveys are needed prior to determining the application. Aspects of the Report are based on incomplete or inadequate surveys. The proposed development will cause substantial harm to the significance of heritage assets at Highland Court and its setting, including the conservation area, and there is no substantial public benefit from the proposed development that would outweigh the harm or loss.

The National Planning Policy Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of modes of transport.

The site is almost 8km from the centre of Canterbury. The main pedestrian / cycle route is via the North Downs Way which is used by Cycle Route 16. The North Downs Way

is an unlit single lane rural road with no pedestrian footways. It is questionable if people will choose to walk this route during wet weather or during hours of darkness.

There is a limited working population within a 2km radius of the site. The footpaths are not ideal for walking to and from work – they are unlit country paths.

Given the rural location of the site, its good access to A2, limited public transport service, possible nature of proposed employment, including hours of operation, attraction of the city for tourists staying at the holiday village, it is likely that people will travel to and from the site by car or motorbike..... CPRE Kent are concerned that the development might worsen levels of air quality within the present AQMA Canterbury 3, as well as any future expansion, and be contrary to the National Planning Policy Framework and the Local Plan.

#### **57. CPRE Canterbury**

The local CPRE Committee strongly oppose the application. The site is productive agricultural land of a good quality. The open land around the City forms an important setting for the World Heritage Site. The development will generate noise and light pollution. The proposals would add to known air quality issues. The tranquillity and peace of the countryside, including footpaths and bridleways would be harmed. The sporting clubs should seek sites less dependant on the car. Much smaller developments in the AONB have been rejected due to adverse impacts.

#### **58. Confraternity of Pilgrims to Rome**

The Via Francigena is a European Cultural route for walkers and cyclists supported by the Council of Europe. It follows the Archbishop of Canterbury Sigeric's recorded historic journey from Rome to Canterbury year 990.

Canterbury Cathedral is the starting point in England, where there are signs directing the walkers/pilgrims out of Canterbury along the Via Frangine. It follows the North Downs Way to Dover.

We have studied the plans of this project in detail. The proposal is in an Area of Outstanding Natural Beauty (AONB). That alone must be enough to stop this development.

The whole idea of paths like the Via Francigena and The North Downs way is that they pass through Areas of Outstanding Natural Beauty and a historic rural landscape. That is one of the reasons walkers are attracted to them. They are parts of Canterbury's tourist assets.

Both these trails pass the site and will be seriously affected, even partly ruined, by it. Instead of preserving and enhancing the unique qualities along both the Via Francigena and the North Downs way they are being destroyed by a speculative urban high density development for no good reason.

We object strongly to this entire development. It appears to completely ignore all national and local policies about Kent Downs AONB and the rural landscape in general. The project must be stopped.

#### **59. Kent FA**

The Kent FA is fully supportive of Canterbury City, and its long journey to find a home within the district of Canterbury. The Football Clubs nomadic existence for the past 20+ years has impacted greatly its ability to progress and develop as a community football club. That being said, it has made some remarkable achievements over the past few years, offering football from adult through to Mini Soccer (Under 7s -Under 10s) incorporating Walking Football, Vets Football and a Community Football team in association with Canterbury Christchurch University. By having a facility that the club can call home will undoubtedly enable the Football Club to further enhance its community provision.

Canterbury City FC have a varied history stretching back over 100 years, the proposed new home will help ensure that the club can thrive in the future. Great credit must be given to the Directors, Committee and volunteers that have worked tirelessly both to keep the club going and seeking a new home.

Canterbury City FC offer a wide variety of football including adult football teams for men and women including a women's Vets team, youth football from Under 10 through to Under 16. Disability football for both juniors and adults and walking football. The proposed facility at Highland Court, Bridge will provide a much needed home for these players and indeed, will enable the club to grow even further.

Football has a unique role to play in society in terms of improving physical, mental and social wellbeing and getting people from under-represented groups active. But this can only happen with appropriate facilities which are fit for modern day society.

#### **60. Canterbury City FC**

Canterbury remains the only City in the country which does not have representative Senior Football Club playing out of the City that it represents. The club surrendered its home at Kingsmead in 1999. The Club subsequently dissolved in 2001, to be reformed in 2006.

A site search in 2009/2010 identified potential sites, including Nackington Road and Ridlands Farm. CCC did not progress options for either site. Funding generated from the Kingsmead site will expire in October 2019. Whilst the Local Plan incorporated a site within a site allocation at Hersden, the developer has not progressed the scheme.

In 2017, CCFC were approached by Quinn Estates, heads of terms were agreed and a 7.9 acre football hub was incorporated into the HICO masterplan. The package offered by the developer, land, clubhouse and cash injection is valued at £1million, but would enable the delivery of a complex with a £3.5m costs

This is a once in a lifetime opportunity' for the Club and there is no 'plan B'

#### **61. British Horse Society**

Equestrians in Kent have access to only 16.5% of the PROW network, 25% less than the national average. Introducing the requirement to cross new access roads will reduce safety. Development will adversely affect users' enjoyment of the countryside. Proposed leisure uses should be located elsewhere. Recommend mitigating provision of new routes, introducing a Pegasus crossing to Coldharbour Lane

#### **62. Age UK**

The application has the long-term interest of the community at its heart and delivers for local people. Age UK, CCFC and Canterbury Walking Football share local initiatives.

**63. Go Ability Trust**

Consider that the centre for sporting excellence will have a positive impact upon socially and geographically isolated members of society.

**64. Kent Wildlife Trust**

Kent Wildlife Trust's main concern regarding this development is the presence of several bird species of principle importance that have been recorded as breeding or likely to be breeding on site (which is a material consideration), primarily in the part of the site that will be subject to the most intensive development.

....

The baseline ecological appraisal submitted as part of this application identifies breeding populations of eight bird species scheduled as species of principle importance under s.41 of the NERC act (2006). This includes turtle dove, which is classified as internationally vulnerable on the IUCN red list. All of these species were recorded on the eastern edge of the site which according the development Master Plan will be developed for holiday homes.

The Outline Ecological and Landscape Management Plan submitted as part of the application summarises proposed on-site mitigation measures to compensate for biodiversity loss as a result of the development. This plan gives little specific consideration for minimising disturbance to and providing alternative breeding habitat for these priority species, and does not adequately address how negative impacts to them will be mitigated.

Therefore, on the basis of the existing submitted plans, we object to this application on the grounds of inadequate mitigation for harm to bird species of principle importance. We are open to withdrawing this objection provided that an amended mitigation plan is submitted that adequately addresses our concerns.

**65. Kent Astronomy Group**

We have an observatory in the hills near to Highland Court Farm. I do not object to the development per se, but I am worried about the level of light pollution that could be produced.

As such I ask that this be considered and outdoor lighting is established to modern standards.

I notice that both the National Planning Policy Framework (2018) para 180 and the Canterbury District Local Plan para 8.10 D1 mention that reducing light pollution is part of local guidelines. This is especially important in an AONB like this where there is extensive wildlife.

**66. Spokes**

Express concerns that the scheme will increase traffic on quiet country lanes, increasing pollution and making cycling unsafe

## 67. Little Stour & Nailbourne River Management Group

Object to the proposed development on a number of counts, not least that it is in the Kent Downs Area of Outstanding Natural Beauty and would have a significant detrimental landscape impact. However, I am writing now to raise the issue of the impact on the Newnham Sewer.

This is the sewer installed circa 1972 which gave the valley mains drainage for the first time. Highland Court connects into it via a branch sewer that runs parallel to the A2 east side and connects to the trunk sewer in Patricbourne Road.

In recent years, the sewer in Bishopsbourne, Bridge, Patricbourne and Bekesbourne has been overwhelmed by groundwater infiltration on several occasions - most notably in 2001 and 2014 but also in other years.

When groundwater overwhelms the sewer a number of homes lose sanitation. The first solution is to tanker away the excess polluted water from the sewer; if that fails to resolve the issue, the contaminated water is pumped into the watercourse.

Neither of these solutions works for the wider population: the first brings noise, often late into the night; damage to the roads and the verges; and heavy traffic on narrow lanes.

The second brings pollution into the watercourse putting it out of bounds for children and pets. It is a huge loss of amenity. And the heavy pipe work needed often means lane closures and more noise from diesel pumps.

The company claims that the Newnham trunk sewer has the capacity to cope with the extra demand on the sewer that this development could impose. Nevertheless the local population is sceptical and if/when the sewer is again overwhelmed by groundwater and flooding occurs there could be huge resentment if this development has been allowed to go ahead.

### DEVELOPMENT PLAN POLICIES

#### **Canterbury District Local Plan 2017**

SP1	Presumption in favour of sustainable development
SP2	Development requirements
SP4	Strategic approach to the location of development
HD1	Housing allocations
HD3	Rural Exception Sites
HD4	New dwellings in the countryside
EMP1	Employment land allocations
EMP2	Other business uses
EMP4	Protection of employment sites
EMP6	Installation of digital infrastructure
EMP12	Best and most versatile farmland to be protected
EMP14	Rural businesses
TLC1(A)	Retail hierarchy
TCL5	Protection of local centres
TCL6	Main town centre uses
TCL10	Mixed-use development
TCL11	Commercial leisure and cultural activities

T1	Location of new development to be considered against the Canterbury Transport Strategy
T9	Parking standards
T16	Rural lanes
T17	Transport Assessment and Travel Plans required for development that would have significant transport implications
CC2	Development to include measures to reduce carbon emissions from energy use
CC3	Large developments to provide site wide renewable or gas fired Combined Heat and Power unless specific criteria met
CC4	Development proposals to be the subject of a flood risk assessment
CC11	Sustainable Drainage Systems to be utilised. Greenfield run-off rates to be achieved where possible. Hierarchy for the management of surface water flows. Details of management of SUDS to be provided prior to commencement
CC12	Development should not compromise water quality
CC13	Development to be phased to ensure the provision of necessary water infrastructure works. Development to minimise water use and incorporate water efficiency and recycling measures
DBE1	All development to incorporate sustainable design and construction measures
DBE3	Development proposals to be of high quality, to be assessed against specific amenity, visual, landscape, accessibility and highways criteria
DBE4	Residential space standards
DBE5	High standards of accessibility and inclusive design to be incorporated into new developments. Additional requirements for major and strategic development
DBE7	High quality design of public realm to be expected in new development proposals
DBE8	Functional and visually successful public open space to be incorporated into new developments, including PROW, open space, landscaping and public art
DBE9	Outdoor lighting proposals, criteria for assessment
HE1	Proposals which protect, conserve and/or enhance the historic environment will be supported
HE4	Development proposals to preserve or enhance the special historic or architectural interest or the setting of listed and locally listed buildings.
HE6	Development affecting the setting of conservation areas
HE11	Archaeological assets to be protected and archaeological evaluation required where potential for impact on archaeology
LB1	Kent Downs area of Outstanding Natural Beauty
LB2	Areas of High Landscape Value (AHLV)
LB5	Sites of International Conservation Importance
LB6	Sites of Special Scientific Interest
LB7	Development adversely impacting on Local Wildlife Sites, Local Nature Reserves or Regionally Important Geological/Geomorphological Site only acceptable where justification for proposal outweighs the harm
LB8	Landscape Scale Biodiversity Networks - 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
OS8	Sports and recreation in the Countryside
OS11	New housing development to make provision for appropriate outdoor space

OS12	Green infrastructure to be planned designed and managed to conserve and enhance the character of landscapes and settlements. Measures to be implemented for new major development sites.
QL1	New social/community infrastructure will be encouraged
QL5	New local community services to be provided within new residential developments
QL8	Provision of health and social care facilities
QL10	Provision of new medical, health and social care facilities.
QL11	Development resulting in worsening air quality to be appropriately mitigated.
QL12	Mitigation of pollution from new development

## ASSESSMENT

68. This application is reported to Committee due to the scale of the application.

69. The main considerations involved in the assessment of the application are:

- Principle of development
- Character and appearance
- Heritage
- Archaeology
- Transport and highways
- Air quality
- Affordable housing and housing mix
- Community infrastructure
- Open space
- Loss of agricultural land
- Minerals and waste
- Ecology
- Flood risk and drainage
- Contamination
- Sustainable construction

### **Principle of development**

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

71. The Local Plan sets out a strategic approach to the location of development in order to deliver the Local Plan's sustainable development strategy. Policy SP2 identifies the necessary levels of development, whilst SP3 identifies a number of strategic development sites where development will be permitted.

### *Residential*

72. 175no. 3 and 4 bedroom houses are proposed over an area of circa 25 ha. Policy SP2 identifies the overall scale of the District's development requirements for housing and employment over the Local Plan period. Policy SP3 identifies those strategic sites that will deliver the majority of the identified growth needs, which together with the urban areas identified within SP4, will be the focus for new development. The Local Plan only allows for new dwellings in the countryside, in limited circumstances such as provision for rural workers or exceptional design under policy HD4.

73. The City Council has identified sufficient land to meet its identified housing needs for the Local Plan period. The site lies within the open countryside and is not an allocated

site within the Local Plan and therefore in principle, there is no justification for the proposed dwellings to meet any need within the District.

### *Employment*

74. The National Planning Policy Framework identifies that the planning system performs an economic role through supporting growth and innovation, and sets out that local planning authorities should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs”. Policies SP2 and SP3 define the broad strategic development requirements for new employment development and identify a number of appropriate strategic sites.
75. The Local Plan identifies a number of sites that are necessary in order to provide employment land to meet the needs of the District to 2031. These sites were identified as part of a District-wide assessment of appropriate locations for employment growth, a strategy which was considered by the Local Plan Inspector to be robust and in accordance with the National Planning Policy Framework.
76. The Application Site lies adjacent to, but outside of, the Canterbury Business Park, which is identified and protected within the policies EMP1 and EMP4 of the Local Plan. The designation of the site under policy EMP1 is to consolidate an established employment site within its existing boundaries, reflecting the site’s location within the countryside and its sensitive setting but not to expand the use into the open countryside as is proposed in this planning application.
77. The Applicant asserts that the Local Plan does not make adequate provision for employment land and has submitted its own employment land assessment. However,, the Local Plan provides for 65ha, which is adequate to meet the needs of the District for the Local Plan period, Any future potential uplift from this figure should be assessed through the next Local Plan review which would not only assess the quantum of land required, but also appropriate locations to meet that need.
78. As such, the need for the employment elements of the scheme is not proven and as such, the development is likely to undermine the viability and delivery of existing commercial centres and identified sites within the Local Plan, thereby resulting in significant and unacceptable harm.

### *Leisure / Retail*

79. The application proposes a number of town centre uses either as freestanding elements or as components of other elements of the scheme.
80. Policy TCL1(A) of the Local Plan identifies a hierarchy of town and local centres that form the ‘town centre first’ approach to retail and leisure uses. Policy TCL6 advises that such uses will only be permitted outside town centre boundaries where it has been demonstrated that there are, for example, no other more suitably located sites; that the proposals have adopted a flexible approach to scale and format; that the site is well connected and that there would be no adverse highways impacts. Where necessary, retail impact and leisure assessments may be required to be undertaken.
81. The Applicant advises that these elements will serve a range of the other land use elements, as well as tourists and residents of surrounding communities, and that these

elements of the development would serve as an attraction, generating a range of visitor trips. The application is not supported by an assessment that demonstrates that these elements cannot be accommodated in or adjacent to established centres or settlements. Having regard to the above considerations, these elements of the scheme are considered to be contrary to the Local Plan's strategy for the location of such uses and could lead to harm to existing centres.

### *Sports Facilities*

82. The National Planning Policy Framework recognises that the planning system can contribute towards promoting healthy communities by, for example:
- providing access to a network of open spaces and opportunities for sport and physical activity
  - planning positively for a community's sporting needs
  - that are safe and accessible
83. Policy TCL11 of the Local Plan states that the City Council will support new leisure facilities where, for example, there is an identified shortfall. However, policy OS8 requires other factors to be considered, including the suitability of the location, environmental impacts.
84. It is understood that the facilities will be provided for the benefit of both Canterbury City FC and Canterbury Rugby Football Clubs. However, neither the provision of these facilities nor occupation by a specific club can be secured should planning permission be granted. However, should an agreement be made between the sports clubs and the landowner, then there could be benefits arising from this element of the proposed development. The football club and the rugby club have both made representations on the application, setting out the advantages of such provision should they reach agreement to locate at the site.
85. The City Council remains committed to identifying a suitable site for the football club as it acknowledges the positive benefits that the provision of sports facilities within the district would bring. . In 2010, the City Council commissioned a site options study, which considered 23 sites and identified several potential options for relocating the football club, including at that time the preferred option of Ridlands Farm. However, it is understood that due to flood risk concerns, that site did not progress. In 2018, the applicant undertook a fresh site search for both the rugby and football clubs, expanding the assessment to circa 38 sites within 20 minute drive of the City, including a review of those previously assessed in 2010. Of those sites considered, the majority of the sites identified may not be deliverable. However, it is not clear whether all potential options were considered, particularly those that are accessible by public transport, having regard to the need to consider sites outside of the AONB.
86. Whilst the new facilities proposed would deliver some public benefit, there is clearly conflict with policies OS8, LB1 and LB2 of the Local Plan that would serve to undermine the weight that can be attached to the potential benefits of these elements of the scheme. As set out later in this report, the facilities are part of a wider development that would have severely adverse impacts upon the local landscape and heritage designations.

### **Character and appearance**

87. The site lies within the open countryside, within the AONB and the North Downs AHLV. Paragraph 172 of the National Planning Policy Framework continues, stating 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 conservation and enhancement of wildlife and cultural heritage are also important considerations”*

It continues:

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

88. Policy LB1 of the Local Plan is entirely consistent with the National Planning Policy Framework. It reads:

*“Policy LB1 Kent Downs Area of Outstanding Natural Beauty*

***High priority will be given to conservation and enhancement of natural beauty in the Kent Downs Area of Outstanding Natural Beauty (AONB) and planning decisions should have regard to its setting. Major developments and proposals which 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.***

*In considering proposals for development within the AONB, the emphasis should be on proposals that are **sustainably and appropriately located and designed to enhance the character of the AONB**. The City Council will grant proposals which support the economy and social well being of **the AONB** and its communities, including affordable housing schemes, **provided that they do not conflict** with the aim of conserving and enhancing natural beauty by addressing location, scale, form, high quality design, materials and mitigation and have regard to the advice set out in the Kent Downs AONB Management Plan, and its supporting guidance.*

*Proposals will be encouraged where they facilitate the delivery of the statutory Kent Downs AONB Management Plan and are desirable for the understanding and enjoyment of the area.”*

89. Policy LB2 sets out that within the AHLV, 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.

90. The application site comprises gently undulating land that forms part of the dip slope of the North Downs. It is recognised that the site, possesses the typical characteristics of the AONB and that it contributes positively to both the landscape and scenic beauty of it. It is also identified that this area possesses a high sensitivity to change. In addition to views from the surrounding highways, the site is bisected by a number of public rights of way, including the North Downs Way National Trail and bridleways that pass through or encircle much of the site. Such views are recognised as one of the special characteristics and qualities of the AONB as recognised in the Management Plan, to which considerable weight should be afforded. A further special characteristic of the AONB is the sense of tranquillity afforded by the open character of the area.

91. The proposals amount to 'major development' of a significant scale within what is a rural setting. The development represents the urbanisation of a significant area of open countryside, the scale, location and design of which (akin to modern housing estate typologies), fails to reflect local distinctiveness or the traditional settlement pattern that is traditionally associated with villages in the Kent Downs and result in a loss of openness. Notwithstanding the juxtaposition of the existing business park, the proposed scale of the development is entirely out of keeping with the character of the Kent Downs. The proposed industrial element, by virtue of their scale and massing, would also cause visual harm. As a result, by virtue of its form and scale, the proposed development in its entirety would represent an incongruous and intrusive feature within the AONB and result in a major adverse impact. This impact is considered to be in conflict with local and national planning policy. The tranquillity of the AONB would also be adversely affected by the scale of activity that would be generated by the proposed development, including traffic movements and lighting.

## **Heritage**

92. The site lies within the setting of the Grade II\* listed Highland Court Hospital (originally called Higham Court and now referred to as Higham Park) and a number of other listed buildings lie within the vicinity of the site including Coldharbour Farmhouse and Keepers Cottage at Keeper's Hill. The site also lies within Highland Court Conservation Area and within the setting of other conservation areas including Ileden Park, Bifrons Park, Bekesbourne and Patribourne, Bridge and Bourne Park. Highland Court Farm is a former model farm within the site and is considered an undesignated heritage asset.

93. The application site lies partly inside and within the setting of the Highland Court Conservation Area. The associated Conservation Area Appraisal identifies key elements which contribute to the special architectural and historic character of the area. It 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 Court as the focus of an 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.

94. 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.

95. The National Planning Policy Framework explains that heritage assets are irreplaceable. Paragraph 193 of the National Planning Policy Framework 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. Paragraph 194 goes on to say that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification.

96. Policy HE1 of the Local Plan seeks to support proposal 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 of the Local Plan seeks to preserve

and enhance the character and appearance of listed buildings but including their character or setting. Policy HE6 of the adopted Local Plan seeks to preserve or enhance conservation areas.

97. The proposed development would entail the removal of part of the original parkland and agricultural setting around the grade II\* listed house, which would be replaced with a large urbanising development that would profoundly alter the character and appearance of the Conservation Area, its setting and the setting of the Grade II\* listed Higham Park. There are longer views such as from Bramling Road or north east of Higham Park, where the listed house is appreciated in its wider rural setting. The proposed development would compromise these views by noticeably altering the characteristics of the area. The proposal would create parkland, open space, water features and managed parkland but this on its own is not considered to mitigate or offset the detrimental effects identified above.
98. There are views of the proposed development from limited areas of the other conservation areas that are located within the vicinity of the site, as identified above. However, from the information submitted the majority are largely screened from the site and separated by some distance which prevents harm to setting. The exception to this is Bifrons Park and Bourne Park Conservation Areas which have some visibility to the site, albeit in the context of the visual and acoustic presence of the A2 and Canterbury Business Park. As such, it is unlikely that any visible change will result in harm to setting to these.
99. In relation to other listed buildings, they are located a significant distance from the site such that their setting would not be harmed.

## **Archaeology**

100. The National Planning Policy Framework sets out that where development has the potential to affect heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation. Policy HE11 of the Local Plan sets out 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. In addition, where important or potentially significant archaeological heritage assets may exist, developers will be required to arrange for field evaluations to be carried out in advance of the determination of planning applications.
101. The planning application is accompanied by an archaeological assessment undertaken by Canterbury Archaeological Trust (2017), which identifies that the site possesses known and potential archaeological remains ranging in date from prehistoric to modern. These include, but are not limited to, settlement and burial evidence of Bronze Age to Early Iron Age date, indicated by excavated sites and a large number of features identified through cropmark analysis on aerial photography. Medieval settlement and agricultural features are recorded widely, and evidence of the medieval settlement of Higham, since lost, may also survive.
102. The submitted assessment suggests known and potential remains are of regional and perhaps national significance. However, the Environmental Statement states that "The full significance of these archaeological remains has not been established" (ES 2018:478).
103. The Environmental Statement identifies groundworks during the construction phase as the principal effect (impact) to the buried archaeological resource, acknowledging that groundworks will destroy or damage known and unrecorded archaeological remains,

resulting in a moderate-adverse effect. It concludes that the applicant's assessment of 'moderate-adverse' effect on archaeological remains can be mitigated through archaeological investigation, recording and publication, thus reducing the overall effect to minor-adverse, defined as: 'a minor negative impact on the setting or overall character of a heritage asset'.

104. The City Council's Archaeology Officer considers that the National Planning Policy Framework has not been applied to the archaeological significance or harm nor is policy HE11 (Archaeology) of the Local Plan acknowledged in that section of the Environmental Statement, which summarises relevant local policy. Given the current lack of understanding of the significance of the buried archaeological resource, the subsequent Environmental Statement assessment of cumulative effects is not considered to be reliable.

105. The Environmental Statement suggests that a programme of mitigation comprising geophysical survey, trial trenching and (if appropriate) further excavation should be employed. However, this work is not mitigation - these are assessment methods used in order to establish significance; mitigation measures will be determined based on the evidence accumulated through these methods, but they do not constitute mitigation in themselves.

106. The specialist assessment carried out by Canterbury Archaeological Trust has identified a number of areas of further work:

- Analysis of post-medieval documentary sources relating to the historic landscape development around Highland Court Farm and Coldharbour Farm, to understand historic development and the significance of the medieval settlement of Higham.
- Updated analysis of air and satellite imagery.
- Geophysical ground survey.
- Archaeological trial trench evaluation.

107. Officers consider that this work is required in order that the significance of the known and potential archaeological remains is understood as fully as possible, and is therefore necessary before an informed decision regarding preservation and/or mitigation can be made.

108. In the absence of sufficient information, the proposals do not meet the requirements of the National Planning Policy Framework or the relevant policies of the Local Plan.

### **Transport and highways**

109. The National Planning Policy Framework recognises that the location and accessibility of development is central to the principles of sustainable development. The National Planning Policy Framework also advises that opportunities should be taken where possible to enhance the sustainability of locations, to promote sustainable transport modes and to afford safe access for all users.

110. Policy T1 of the Local Plan defines the Districts overall transport strategy, which, for example:

- Seeks to manage the level of environmental impact from vehicular traffic and
- Provide alternative modes of transport to the car

111. The development would attract significant levels of additional traffic. The applicant suggests that vehicles accessing the site will exclusively use Coldharbour Lane to the

south and via the A2 and A28/A2050. However, if just a small proportion were to seek to use alternative routes via rural lanes, then the impact of rural traffic, cyclists, walkers and horse riders could be severe.

112. In contrast to the Applicant's suggestion that the site has good pedestrian and cycle access and that, for example "...much of Canterbury's population will consider the site to be within cycling distance....", both the City Council and the Highway Authority do not consider the application site to be sustainable. There are no direct bus links to the site, those services that pass through or connect to nearby Bridge are modest in scale, particularly when considered in relation to a development of this scale and location.

113. A number of footpaths, cycle routes and bridleways exist, but in effect, they serve a primarily recreational role and are not suited to a significant increase in flows. Officers do not accept the Applicant's assertion that these offer a sustainable links to nearby settlements, particularly in the context of travel to work journeys, where maximum distances of circa 2km walk distance do not take account of factors such as, rural footpaths being unlit and unsupervised and poorly surfaced for winter conditions etc.

114. Both the Highway Authority and Highways England commented in detail on the planning application. Both authorities registered holding objections pending clarity on a number of queries, which were centred on:

- Whether the survey data was reliable and up-to-date
- Modelling appears to under-estimate queueing at the A2 junction
- The precedents used for estimating trip generation are not appropriate
- Do not agree that majority of leisure trips will be internal
- The site is located some distance from bus stops

115. The Applicant has informally responded suggesting that:

- A bus loop could be incorporated into the site, to extend bus services to the site itself
- Updated traffic survey and modelling has been undertaken
- Walking routes to bus stops could be enhanced
- Use of car club and electric cars would be promoted
- A shuttle link to the New Dover Road could be provided
- A shuttle could link with surrounding villages
- Cycle ownership / hire would be promoted

116. However, no evidence has been presented to demonstrate that Stagecoach would agree to extending bus routes into the site, nor is the City Council aware that discussions are underway in relation to links to the park and ride. Notwithstanding this, Officers do not consider that such measures would overcome the site's unsustainable location. It remains poorly related to the main urban areas and the surrounding network is not considered to be conducive to meaningful levels of cycle or foot commuting to employment uses. Furthermore, traffic generation from the site is likely to lead to conflict with and a reduction of safety for existing users of the rural lane network. It cannot be accepted that the development would not have an adverse impact upon the flow and safety of traffic on the surrounding network contrary to the National Planning Policy Framework and relevant policies in the Local Plan.

## **Air quality**

117. The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.
118. Policy QL11 of the Local Plan accords with the above policy framework, stating that developments that could directly or indirectly result in material additional air pollutants and worsening levels of air quality within the area surrounding the development site or impact on the existing AQMA(s) will not be permitted unless acceptable measures to offset or mitigate any potential impacts have been agreed as part of the proposal
119. Policy QL12 then goes on to state that when granting planning permission for developments that could potentially result in pollution, the Council would impose conditions or seek agreements to ensure subsequent mitigation measures are undertaken. Policy DBE3 also refers to proposals for development having regard to the impact of polluting elements (including air pollution) from the development or neighbouring uses.
120. The planning application / Environmental Statement includes an air quality assessment (AQA). The development will clearly generate a large number of vehicle movements which will affect the local road network, including roads that are within the Canterbury AQMA. The assessment methodology adopted by the applicants is considered to be acceptable and demonstrates that the development will have a moderate impact on air quality which therefore needs to be mitigated.
121. An emissions mitigation assessment has been undertaken, which determined that the 5 year damage costs from the development are £244,660. However, a breakdown of costings for mitigation has not been provided. In light of both the above policy framework and the judgement of the High Court in *Gladman -v- SSCLG & Swale BC* [2017] EWHC 2768 (Admin), which found that it can no longer be assumed that the mitigation measures funded by the 5 year total damage cost would fully mitigate the impact of a development on air quality, such an assessment is required.
122. It is considered that the following mitigation measures would need to be implemented were the development to proceed:
- All gas fired boilers to meet the minimum standard of <40mgNO<sub>x</sub>/kWh;
  - Electric vehicle charging points;
  - Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies;
  - A welcome pack available to all new residents online and as a booklet containing information and incentives to encourage use of sustainable travel modes;
  - Improved cycle paths; and,
  - Using green infrastructure i.e. trees to absorb dust and other pollutants.
123. However, the quantification of the emissions reductions associated with the implementation of these measures suggests that only minimal reductions in air pollution will be achieved at a small number of receptors. Canterbury City Council's Air Quality Officer is therefore not satisfied that the impact of the development on air pollution will be adequately mitigated. Therefore in the absence of adequate mitigation, the proposed development would cause a worsening of air quality contrary to the

requirements of policies QL11 and QL12 of the Local Plan and the National Planning Policy Framework.

### **Affordable housing and housing mix**

124. Policy HD2 of the Local Plan states that the City Council will seek provision of 30% affordable housing on all residential developments consisting of 11 or more units, or which have a combined gross floor area of more than 1,000 square metres. This would need to be a 70/30 tenure split between affordable rent and intermediate housing, to be secured through a legal agreement. The City Council's preferred option is for affordable housing to be provided on-site. Where it can be demonstrated that on-site provision is not suitable, a financial contribution will be sought.

125. The Council would expect at least 53 of the 175 residential units proposed to be affordable housing. A legal agreement has not been secured for the delivery of affordable housing units. The proposed development is therefore in conflict with policy HD2 of the Local Plan in this regard.

126. In terms of market housing, the Housing and Homelessness Prevention Strategy 2018-2023 states that development proposals for 50+ housing units should be mixed as follows:

- 1-bed - up to 5%
- 2-bed - between 26% and 31% (roughly in the middle)
- 3-bed - between 36% and 41% (roughly in the middle)
- 4+-bed - between 23% and 28% (roughly in the middle)

127. The indicative drawings show the proposed housing mix as follows:

- 75 x 3-bed houses (43%)
- 100 x 4-bed houses (57%)

128. It is clear that the proposed indicative housing mix diverges significantly from that set out in the Housing and Homelessness Prevention Strategy 2018-2023. The development would therefore fail to meet the identified housing need of the District, in conflict with the Council's Housing and Homelessness Prevention Strategy 2018-2023 and the Local Plan.

### **Community Infrastructure**

129. The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Plan Policy EMP9 of the Local Plan requires the City Council to work with the Education Authority and other school and educational providers to ensure that provision is made for educational needs, including those arising from new development. Provision may be secured through legal agreements.

130. Policy QL5, 8 and 10 of the Local Plan set out that provision shall be made to accommodate local community services, social care and health facilities within new residential development and mixed use developments. New community services should be located where they are accessible by walking or cycling and by public transport from the area they serve.

131. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

132. The following outline the financial contributions that have been sought by Kent County Council and Canterbury City Council to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

### *Education*

133. Kent County Council in its capacity as education provider, has a duty to ensure that adequate school places are provided to accommodate current and future projections for primary school and secondary needs.

134. The proposal gives rise to additional primary school pupils during occupation of the development. The County Council has requested a contribution of £4,535.00 per applicable house towards improvements to primary education provision in order to mitigate the impact of the proposed development. On the basis of the applicant's proposed housing mix, this would be a total of £793,625.00 towards primary education.

135. The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. In order to accommodate increased demand, £4,687 per applicable house is requested towards improvements to secondary education provision in order to mitigate the impact of the proposed development. On the basis of the applicant's proposed housing mix, this would be a total of £820,225.00 towards secondary education.

### *Libraries*

136. To mitigate the impact of this development, the KCC have requested contributions to provide additional library books to meet the additional demand to borrow library books which will be generated by the development. Contributions to be used towards providing new book stock are requested at a rate of £48.02 per dwelling. The total contribution amount equates to £ 8,403.50.

### *Adult Social Care*

137. The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments. Contributions to expand local facilities are requested at £72.93 per dwelling. The total contribution amount equates to £ 12,762.75.

138.KCC has requested two wheelchair adaptable homes to be provided as part of the development.

### *Community Learning*

139.There is an assessed shortfall in provision for this service, the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity. To accommodate the increased demand on KCC Adult Education service, KCC has requested £36.35 per dwelling. The total contribution amount equates to £ 6,361.30.

### *Youth Services*

140.To accommodate the increased demand on KCC services, the County Council requests £16.11 per dwelling towards additional youth sessions and equipment local to the development. The total contribution amount equates to £ 2,818.72.

### *NHS*

141.The application is for 175 dwellings which will bring an estimated population of 410 patients who will all require access to primary care services. The NHS has requested development contributions amounting to £147,500 towards an extension of the Canterbury Medical Practice in Bridge which would accommodate the additional need generated by this development.

142.It is considered that the requested contributions are necessary, directly related to the development, and fair and reasonable and as such are compliant with the CIL regulations. The applicant has failed to secure the delivery of the community infrastructure necessary to mitigate the impact of the proposed development. The development is therefore contrary to policies EMP9, QL5, QL8 and QL10 of the Canterbury District Local Plan and the Council's adopted 'Development Contributions' SPD.

### **Open Space**

143.Policy OS11 of the Local Plan sets out that new housing development shall make provision for appropriate publically accessible outdoor space, including semi-natural areas, strategic urban parks and green corridors, amenity greenspace, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there.

144.Where the development does not allow for the provision of such open space on site, developers will be expected to make financial contribution towards the provision of new, or improvement of open space or recreational facilities elsewhere in the locality, through entering into a legal agreement or another suitable mechanism.

145.The Local Plan sets out Local Quantity Open Space Provision Standards for new residential development - open space typology requirements per 1,000 new residents. The applicant has stated that the overall quantum of open space proposed would exceed the level required by Local Plan policy. Nonetheless, this would primarily constitute tree buffers/green corridors and the quantum of publically accessible play areas, amenity open space, outdoor sport and allotments would fail to meet the requirements of the Local Plan.

146. The development has therefore failed to provide the appropriate levels of open space within the development, in conflict with policy OS11 of the Local Plan and the NPPF.

### **Loss of agricultural land**

147. The loss of the best and most versatile agricultural land is a material consideration in the determination of this planning application. The National Planning Policy Framework states that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.

148. 69% of the application site is classified as best and most versatile agricultural land. As such, the development would involve the loss of a significant amount of high quality agricultural land in conflict with the National Planning Policy Framework and policy EMP12 of the Local Plan.

### **Minerals and waste**

149. The County Council possesses the statutory responsibility for minerals supply and waste management in Kent and has prepared the Kent Minerals and Waste Local Plan. Central to the Minerals Plan is the protection of the mineral resources from unnecessary sterilisation, which is recognised as essential to the process of supporting sustainable development.

150. Both the National Planning Policy Framework and the Minerals Plan recognise that minerals are a finite resource and the purpose of safeguarding minerals is, where appropriate, to ensure that sufficient economically mineral resource is available for future generations to use.

151. Policy DM7 (Safeguarding Mineral Resources) of the Kent Minerals and Waste Local Plan (which forms part of the development plan for the district) sets out that planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that it meets one of a number of criteria, including that it constitutes development on a site allocated in the adopted development plan. This site is not allocated and therefore planning permission cannot be granted for non-mineral development where there would be conflict with the Kent Minerals and Waste Local Plan.

### **Ecology**

152. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species, which are also protected by the Wildlife and Countryside Act 1981.

153. The Natural Environment and Rural Communities Act (2006) places a duty upon the City Council, when exercising its functions, to have regard to the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible' and states that (in paragraph 175) 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.'

154. Policy LB5 of the Local Plan seeks to protect internationally important habitats and confirms that international nature conservation importance must receive the highest levels of protection. No development will be permitted which may have an adverse effect on the integrity of an SAC, SPA or Ramsar site, alone or in combination with other plans or projects, as it would not be in accordance with the Habitat Regulations.
155. Policy LB6 states that development which materially adversely affects an SSSI will not be permitted. Policies LB7 and LB8 seek to avoid adverse impacts on local wildlife designations and to incorporate ecological enhancements within new developments. Policy LB10 seeks to protect existing vegetation and woodland that makes a positive contribution and to integrate it within new development.
156. There are no statutory ecological designations within the site boundary nor the adjacent land under the control of the applicants. The nearest internally designated area is Stodmarsh (SPA SAC Ramsar) circa 5km away. The nationally designated Oxenden Woods SSSI lies 1km away.
157. The Environmental Statement included an Ecological survey and impact assessment. This identifies “moderately adverse” impacts for most species over the medium term, which would result in a local level impact that would be categorised as significant. The impacts upon habitat vary, with the most adverse being a significant loss of hedgerow.
158. Under regulation 9(3) of the Habitats Regulations, the Local Planning Authority must have regard to the requirements of the Habitats Directive when exercising any of their functions, including whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species and whether any necessary licence is likely to be granted by Natural England.
159. In order to mitigate impacts, the applicant has proposed an Ecology and Landscape Strategy’, which would provide tree planting, green corridors and new habitats and this is considered adequate to mitigate the ecological impacts of the development in accordance with the National Planning Policy Framework and relevant policies in the Local Plan.

### **Flood risk and drainage**

160. The National Planning Policy Framework states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. The site is located within Flood Zone 1, with a low risk of river or tidal flooding due to its elevation and distance from, main rivers and the sea. The site is located within Source Protection Zone 1. This is endorsed by policy CC4 of the Local Plan, which states that development proposals within Flood Zones 2 and 3 as defined by the Environment Agency and on sites of more than 1 hectare shall be subject to a Flood Risk Assessment. Policy CC11 states that all development applications should include drainage provision. This will 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. Within major development sustainable drainage systems that deliver other benefits, such as biodiversity, water quality improvements and amenity, are expected to be included, except where they are demonstrated to be inappropriate. All developments should achieve as close to possible to the City Council's stipulated greenfield runoff rates, mimic natural flows and drainage pathways and ensure that surface water run-off is managed as close to its source as possible.

161. When compared to the existing principally undeveloped character of the site, the development would inevitably result in an increase in surface water run off both during construction and once the development has been completed.

162. The indicative drainage strategy has been reviewed by KCC as Lead Flood Authority, who advise that they consider it to be deliverable and are satisfied with the range of SUDS measures proposed. As such, the development would comply with the relevant policies of the Local Plan and the National Planning Policy Framework.

### **Contamination**

163. The National Planning Policy Framework states that local planning authorities should ensure that land is suitable for its new use taking account of various matters, including pollution arising from previous uses. This is endorsed by policy QL12 of the Local Plan.

164. Site investigations have been undertaken, which demonstrate that due to the historical agricultural use of the majority of the site there is no evidence of widespread contamination requiring mitigation, nor of any likely adverse effects to groundwater. Areas of potentially localised contamination relating to agricultural activities have been identified, but these are considered to be of a nature that should planning permission be granted, they could be managed through planning conditions. As such, it is considered that the development would be in accordance with the National Planning Policy Framework and relevant policies of the Local Plan.

### **Sustainable construction**

165. The Local Plan states that action to reduce the District's impact on climate change includes: promoting developments that generate renewable energy, whilst encouraging local renewable and low carbon energy and designing development to increase energy efficiency and reduce energy consumption and carbon emissions. Policy DBE1 sets out how proposals are required to incorporate sustainable design and construction measures and respond to objectives of sustainable development. Policies CC2 and CC3 relate to reducing carbon emissions from all new development, and the use of local renewable or low carbon energy and/or heat generation schemes at strategic sites. Policy CC11 relates to sustainable urban drainage and policy CC13 states that all new development should minimise water use by incorporating appropriate water efficiency and water recycling measures. This accords with the National Planning Policy Framework

166. An energy and sustainability statement has been submitted with the application, which includes how measures to reduce energy consumption will be incorporated into the design. In line with the aims of the Local Plan, the scheme will be designed in accordance with the principles of an energy hierarchy, with improvements to fabric energy efficiency as a starting point, followed by incorporation of measures to reduce carbon emissions and as such, complies with the relevant aims of the National Planning Policy Framework and policies CC2, CC3, CC11, CC13 and DBE1 of the Local Plan and the National Planning Policy Framework.

### **Other matters**

167. The applicant suggests that the proposed houses will be occupied by people who would enjoy the accommodation personally or make it available for letting "from time to time". It is permissible in planning law for dwelling houses to be occupied as second homes and/or to be let out on a short term of temporary basis and therefore, should

occupiers choose to let out their property there is no change of use and as such in those circumstances there is no need for further planning permission to be obtained.

168. The applicant seeks to demonstrate that the proposed residential accommodation would deliver significant economic benefits and contribute to the District's tourism sector. If the occupiers did decide to let out some or all of the houses, this would potentially add to the stock of serviced accommodation in the District. However, it is far from clear whether any or all of the proposed properties are likely to be let for holiday accommodation. Notwithstanding this, given the relatively remote location of the site away from the City and coast, its poor accessibility and its location alongside what would in effect be a major industrial estate, it is not considered that any significant economic benefits are likely to be achieved.

## **Conclusion**

169. The sports facilities proposed in this application could be considered to have positive benefits for the district. However, this element only forms part of the overall planning considerations that need to be taken into account in deciding this against planning policy. The application also includes significant residential and commercial development, which would cause significant harm to both the AONB and heritage assets.

170. The National Planning Policy Framework states that when considering a proposed development that result in 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. National and local planning policy in respect of major development in the AONB is to refuse such development unless there are 'exceptional circumstances' to justify permission and if there are exceptional circumstances, then it would need to be demonstrated that the development is 'in the public interest'.

171. Considered as whole, the proposed development does not amount to the exceptional circumstances that would justify the grant of planning permission when assessed in relation to the strong presumption against major development within the AONB. In addition, it is not considered that any public benefits would outweigh the less than substantial harm identified to heritage assets.

172. For these reasons, in addition to the other matters set out in this report (including impact on archaeology, highway safety and air quality), the application is recommended for refusal.

## REASONS OF REFUSAL

Application No:	CA/18/01948/FOS
Proposal:	Hybrid planning application for mixed use development for leisure, commercial and tourism uses comprising: (1) A detailed planning application for a centre for sporting excellence (to include sports pitches, changing rooms, clubhouse and floodlights), business innovation centre, food and drinks hub and leisure hub; with access and associated highways works. (2) An outline planning application (with all matters reserved) for business uses, food and drinks hub, innovation centre, home farm centre, artisan offices, mixed use court and holiday homes; plus associated access, landscaping, parking and drainage infrastructure.
Location:	Land at Highland Court Farm, Coldharbour Lane, Bekesbourne, CT4 5HN

### Reasons for refusal

1. The proposed development, which lies outside the built confines of any of the District's three main urban areas and villages identified as being suitable for development, would be detrimental to the sustainability objectives included in the Canterbury District Local Plan 2017 and the National Planning Policy Framework. No overriding justification or need for the proposed development has been advanced to outweigh the harm caused to these objectives. The proposed development would represent an unsustainable, sporadic and visually harmful form of development detrimental to the rural character and appearance of the area. The proposed development is therefore contrary to policies SP1, SP2, SP3, SP4, HD4, TCL6, TCL11 and T1 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
2. The proposed development, by virtue of its scale, form and siting, would neither conserve nor enhance the landscape and scenic beauty of the North Downs and Kent Downs Area of Outstanding Natural Beauty. In turn, the proposed development would be harmful to the landscape character of the landscape designated as an Area of High Landscape Value. No exceptional circumstances have been demonstrated to override the identified harm to the designated landscape. As such, the proposed development is contrary to policies, EMP2, EMP14, LB1, LB2, OS8, DBE3 and DB9 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
3. The proposed development, by virtue of its scale, form and siting, would result in (less than substantial) harm to the setting of the Grade 2\* listed Higham Court and the character, appearance and setting of the Highland Court Conservation Area contrary to policies HE1, HE4 and HE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework. The public benefits resulting from the proposed development are not considered to override the identified harm to the significance of the named designated heritage asset.

4. The applicant has failed to provide sufficient assessment of the archaeological potential of the site and the likely impact of the proposed development on any potential archaeology that may be present, contrary to policy HE11 of the Canterbury Local Plan 2017 and the National Planning Policy Framework.
5. The applicant has failed to demonstrate that there would be no adverse traffic impacts on the local highway and PROW network as a result of the proposed development. Given this, together with the significant levels of traffic generated by the proposed development, the application is therefore considered to cause harm to highway safety contrary to policy T1 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
6. The applicant has failed to demonstrate that the proposed development would not result in an adverse impact upon air quality, contrary to policies SP1, QL11 and QL12 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
7. The applicant has failed to secure affordable housing to meet local needs contrary to policy HD2 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
8. The applicant has failed to secure an appropriate market housing mix to meet local need contrary to the Council's Housing and Homelessness Prevention Strategy 2018-2023 and the Canterbury District Local Plan 2017.
9. The applicant has failed to secure the delivery of the necessary community infrastructure to mitigate the impact of the proposed development. The development is therefore contrary to policies EMP9, QL5, QL8 and QL10 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
10. The proposed development makes inadequate provision of open space to serve the proposed dwellings, contrary to policy OS11 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
11. The proposal would result in the loss of the best and most versatile agricultural land, contrary to Policy EMP12 of the Canterbury District Local Plan 2017. No overriding justification or need for the proposed development has been advanced to outweigh the loss of the best and most versatile agricultural land.
12. The applicant has failed to demonstrate that the proposed development would be compatible with minerals safeguarding, contrary to policy DM7 of the Kent Minerals and Waste Local Plan.