



CPRE Kent  
Queens Head House,  
Ashford Road,  
Charing,  
Ashford,  
Kent TN27 0AD  
26 May 2016

Dear Sir

## Planning Application CA/16/00600: Mountfield Park

CPRE Kent objects to the application in principle for the following reasons, these are not in any order of priority and are enlarged upon:

1. Prematurity
2. Grade 1 and 2 agricultural land
3. Sustainable transport
4. Impact on views of the City and World Heritage Site
5. Impact on setting of listed buildings
6. Hospital relocation
7. Air quality
8. Within designated Area of High Landscape Value
9. Sustainability Strategy

### 1. Prematurity

CPRE Kent considers that the application is premature.

The National Planning Practice Guidance (NPPG) sets out the circumstances in which an application can be refused on the grounds of prematurity. The guidance advises that:

*"... In the context of the Framework [Annex 1 of the NPPF] and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area*

*Refusal of a planning permission on grounds of prematurity will seldom be justified where a draft Local Plan*

The Kent Branch of the Campaign to Protect Rural England exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

Protect Kent, Queen's Head House, Ashford Road, Charing, Kent, TN27 0AD Fax: 01233 714549 Email: [info@cprekent.org.uk](mailto:info@cprekent.org.uk)

Phone: 01233 714540 [www.cprekent.org.uk](http://www.cprekent.org.uk)

*has yet to be submitted for examination ... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”<sup>1</sup>*

The Canterbury District Local Plan is midway through Examination and is due to recommence later this year. This is a site that raises important issues, including: loss of best and most versatile agricultural land; impact on views of the City and World Heritage Site; need for all of fast bus route to be provided and not just that part within the site, and traffic that should be debated at Examination and deliberated upon by the Inspector, or should be discussed and resolved with interested parties and the application amended prior to any determination.

## **2. Grade 1 and 2 agricultural land**

The Natural England Agricultural Land Classification Map for England identifies the 233 ha site as being Grade 1 and 2 agricultural land, of which the majority is Grade 1. This is the best and most versatile agricultural land. The Landscape and Biodiversity Appraisal in section 43 on South Canterbury and Littlebourne Fruit Belt that the area is intensively farmed on traditionally fertile land.

NPPF paragraph 109 states that *‘The planning system should contribute to and enhance the natural and local environment by: Protecting and enhancing .. soils;’* and at paragraph 112 that *‘Local planning authorities take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’*

The UK is heavily dependent on imported food to supply the needs of a growing population, and in 2010 produced 60% of its needs. Prof Tim Benton in the forward to Economic and Social Research Council Seminar March 2013 wrote:

*‘In the UK, we have become used to a plentiful supply of affordable food, with a good proportion of it sourced from outside the UK. But we cannot rely on this situation continuing into the future. Global demand to feed a growing and richer population is increasing faster than supply. As competition for food on the global markets increases we may not be able access the same food, at the same prices, as in recent decades. This may become particularly noticeable with increased price volatility in response to changes in supply (such as from climatic events).’*

CPRE Kent is concerned that the application will sterilize a significant amount of the best and most versatile land that will be required to support the existing population as well as future generations.

## **3. Sustainable transport**

### Fastbus Route

The SHLAA assessment for the western site (96ha north of A2) states: *‘Only eastern edge of site is within 800m of a bus stop providing 2 or more services an hour.’* A similar conclusion can be drawn for the other part of the application site east of New Dover Road.

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<sup>1</sup> National Planning Practice Guidance paragraph 014 ‘Determining a Planning Application [Reference ID: 21b-014-201140306]’

Publication Draft Local Plan Policy SP3 Site 1 South Canterbury, as updated by the Potential Modifications document of 28 April 2016 requires a new fast bus link from the site to Canterbury City Centre. Only half of the Fastbus route will be provided within the application site. The rest of the route is dependent on other landowners and funders. There is therefore no certainty if or when the rest of the route, through Site 10: land at Ridlands Farm and Langton Field, and the south-western part of the Kent and Canterbury Hospital site, will be delivered, or if consent will be given by Chaucer Hospital. The application is therefore not in line with the emerging local plan.

Table 1 of the Planning Statement states that the trigger point for delivery is *'to the occupation of the 1,600 dwellings / 88,000 sqm commercial floorspace'* and that the delivery partners will be KCC and Stagecoach. The application is for up to 4,000 dwellings and up to 70,000 sqm employment floorspace. This represents 40% of dwellings and all the commercial floorspace. A significant amount of development will take place before the dedicated fast bus service is delivered. The early provision of the facility is likely to encourage greater use of public transport.

#### Community Hub

The location of the hub on the A2050 and the amount of floorspace to be provided – up to 75,250 sqm will most likely serve a wider catchment than the proposed development, resulting in additional traffic movements on the existing and new road network. Uses such as an hotel and conference centre, and leisure will serve a much wider catchment. The Publication Draft District Local Plan June 2014 policy TC11 requires major commercial leisure serving the City to be located within or close to the town centre ... . The policy approach for application site is set out in Publication Draft Local Plan Policy SP3 Site 1 South Canterbury, as updated by the Potential Modifications document of 28 April 2016. This does not include commercial leisure facilities. The application is therefore not in line with the emerging local plan.

#### **4. Impact on views of the City and World Heritage Site**

Publication Draft District Local Plan June 2014 policy HE3 'Significant Views of the City and World Heritage Site in the first paragraph states that 'The Council will seek to protect significant views of the City, from both within and from outside the City. Development proposals should respond positively to the character and setting of the World Heritage Site which contributes to its Outstanding Universal Value.'

There are significant views of the Cathedral from the public footpath CC47 that links Old Dover Road and Nackington Road which are not taken account of in the Masterplan, or identified on Design and Access Statement parts A, B and C Figure 21 'Views from the site'.

The Building Parameters Heights plan provides for individual buildings of up to 15 metres , and for up to 18 metres on the Reserve site for the Hospital and business uses. CPRE Kent is concerned that buildings of this height will be visible from the City centre and World Heritage Site and as such would have an adverse impact on the setting of the World Heritage Site and thus not comply with Publication Draft District Local Plan June 2014 policy HE3.

#### **5. Impact on setting of listed buildings**

Publication Draft District Local Plan June 2014 policy HE1 'Historic Environment and Heritage Assets' requires development to conserve and where appropriate enhance, or reveal, the significance of heritage assets and their settings. Policy HE4 Listed Buildings in its second paragraph states ;*Development that*

*would have an adverse impact on their special historic or architectural interest, or their setting, will not normally be permitted.'*

High Court Judgement: Forest of Dean District Council and SofS for CLG and Gladman Developments Limited. 4 March 2016 at paragraph 38 states: *'... that when a development will harm a listed building or its setting, the decision-maker must give that harm considerable importance and weight. That harm alone gives rise to a strong presumption against the grant of planning permission.'* The importance of assessing the contribution of made by the setting of a listed building was a key factor in the Barnwell Manor Wind Energy Limited Judgement of 18 February 2014 and Forge Field Judgement of 12 June 2014.

The Building Heights Parameters plan provides for buildings up to 15 metres near to the Old Gate Inn Public House, Winter's Farmhouse, Milestone Farmhouse. There are no proposals to improve the setting of the Old Gate Inn Public House, instead the Masterplan shows development around it.

## **6. Hospital relocation**

The Draft Infrastructure Delivery Plan on page 13 with regard to Health facilities states **'The draft Local Plan contains a provision (Policy SP3) to support the re-location of the existing Kent & Canterbury Hospital to the new South Canterbury site to provide a more modern facility with close access to the A2. In part, this is dependent on the outcomes from ongoing NHS consultation on the future structure of hospital services across parts of Kent.'** Funding is set out to be *'through NHS budgetary arrangements'* and with regard to phasing *'Any relocation of the Hospital would not be likely to take place until the latter part of the Plan period.'*

The Canterbury District Local Plan Draft Proposed Amendments November 2015 for Site 10 proposed the exclusion of land at Kent & Canterbury Hospital as *'the East Kent University NHS Trust is currently consulting on their future 5-10 year plans and at this point in time there is no agreed outcome, or certainty about this part of the site coming forward now for development. It is therefore prudent that this part of the site be removed on that basis.'* The Canterbury District Local Plan Potential Main Modifications published by the Council on 28 April 2016 at MM1.22 confirms that the allocation boundary should be amended to exclude the Kent & Canterbury Hospital.

The Potential Main Modifications at 28<sup>th</sup> April 2016 document requires land to be *'reserved for potential relocation of Kent & Canterbury Hospital, if required'*. This does not specify a maximum period for such reservation.

There are a number of uncertainties about the future of the present Kent & Canterbury Hospital site: The application's Planning Statement at Table 1 on page 18 states that the land reserved for the hospital will be *'made available for a period of 2 years following planning permission.'* This is contrary to the guidance set out in the draft Local Plan.

It is not clear is the existing hospital site or the site reserved within the planning application are of sufficient size to meet the needs of existing as well as future residents.

## **7. Air quality**

It is noted that the Overarching Travel Plan seeks to encourage reduced car usage and increased walking and cycling, including school children.

It is not clear if the effect of 'parental choice' in choosing schools has been factored into the considerations in that parents often take their children to school and then travel on to work and this may result in increased car journeys.

The City Centre is subject to an Air Quality Management Area (AQMA) and it is not clear what impact the proposed development will have on this or on other roads, not yet subject to an AQMA, but which may as a consequence of the development breach the limit values of the Air Quality Directive 2008/50/EC.

A recent Planning Opinion of Robert McCracken QC on Air Quality and emissions<sup>2</sup> sets out that:  
'65 ... planning authorities have a duty in their decision making to seek to achieve compliance with the Directive's limit values.

66 Where a development would cause a breach in the locality of the development they must refuse permission.

67 Where a development would in the locality either make significantly worse an existing breach or significantly delay the achievement of compliance with limit values it must be refused.

68 Where limit values are not exceeded in the locality planning authorities must try to prevent developments from worsening air quality and to achieve best air quality ...'

## **8. Within designated Area of High Landscape Value**

The site lies within an Area of High Landscape Value to which Publication Draft District Local Plan June 2014 policy is applicable. Whilst the policy provides for development it should be considered in relation to the extent to which its location, scale, design and materials would protect the landscape character and enhance the future appearance of the designated landscape and its nature conservation interest. Given that the application is for some 233 ha of which 70% is built development / highway infrastructure (based on Planning Statement Appendix 4 'Land Use Budget') the application in CPRE Kent's view does not meet the policy's requirements.

The SHLAA assessment of Canterbury site 75 (western part of the site) under the section on 'Character of Surrounding Area' states: '*Pleasant suburban-rural urban boundary – provides part of the setting to the City of Canterbury.*' The Masterplan identifies development of up to 12m right up to the existing urban area and therefore does not take account this part of the site's contribution to the setting of the City.

## **9. Sustainability Strategy**

Publication Draft District Local Plan June 2014 policy DBE6 Sustainability Statements requires a Sustainability Statement for all the strategic sites and these should take account of the checklist in table D1 Sustainable Design and Construction Measures Checklist.

The application's Sustainability Statement presents a strategy for addressing energy, water and waste needs in order to achieve a low carbon development. The checklist in Table 1 sets out eight issues of which energy and water are but two, and thus the statement is incomplete and the application therefore does not fulfil the plan's requirements.

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<sup>2</sup> Air Quality and emissions. Clean Air in London; Air Quality Directive 2008/50/EC and Planning Opinion of Robert McCracken QC, Frances Taylor Building. E-law January/February 2016

It is noted that in the Transport Assessment – Executive Summary (page 2) that KCC has obtained funding for a *‘a detailed review of the A28 ring road around Canterbury which would include consideration of all proposed developments in the Canterbury District including Mountfield Park.’* It would be sensible to await this Review before determining the application.

CPRE Kent considers that there are sufficient reasons to refuse the application. However, should the Council be minded to permit the application CPRE Kent requests that the following amendments are made to the application or required through planning conditions. These are summarised and then expanded upon below. They are not in any order of priority.

- A. The building heights parameters plan
- B. Screening
- C. Barton Business Park
- D. Views of the Cathedral and Harry Tower
- E. Impact of the development on skyline views.
- F. Fastbus
- G. Local Facilities
- H. Use of Green Infrastructure
- I. Setting of Local Buildings
- J. Sustainable Design
- K. Impact on the Kent Downs AONB
- L. Relocation of Kent & Canterbury Hospital

#### **A. The building heights parameters plan**

This provides for three height levels:

Up to 12m above ground level for most of the site

Up to 15m above ground level for individual buildings

Up to 18m above ground level for the Reserve Site for the hospital and Business Use

This is a very blunt approach. The adjoining buildings to the application site are one and two storey buildings. Careful consideration is therefore required to the impact of development on adjoining resident areas along with views out from the City centre. A landscape and visual impact assessment needs to be undertaken to guide where taller buildings can be located with detrimentally affecting the Cathedral and World Heritage Centre.

#### **B. Screening**

The existing housing on Barton Road is screened by rising land, screening and open space and is not visible from the agricultural land to the east. A similar approach is required across the whole of the south eastern part of the site through the provision of a green gap that is protected in perpetuity.

#### **C. Barton Business Park**

There is no screening around the Barton Business Park. Whilst there is screening within the Business Park this is outside the applicant’s control.

#### **D. Views of the Cathedral and Harry Tower.**

There are views of the Cathedral and Harry Tower from public footpath. The masterplan should identify these view lines and protect them from development. They could be part of the green infrastructure.

#### **E. Impact of the development on skyline views.**

The Building Parameters Heights plan provides for individual buildings of up to 15 metres , and for up to 18 metres on the Reserve site for the Hospital and business uses. CPRE Kent is concerned that buildings of this height will be visible from the City centre and World Heritage Site and as such would have an adverse impact on the setting of the World Heritage Site and thus not comply with Publication Draft District Local Plan June 2014 policy HE3.

#### **F. Fastbus**

The Fastbusservice needs to be implemented at a very early stage of development to encourage residents and workers to use the service. The provision of the route for Fastrack 'A' connecting The Bridge development of 1500 homes with Dartford town centre is a good example. The Bridge development also provides residents with real time information about bus times on Fastrack 'A' and again such a facility in the new development would help encourage people use the bus.

#### **G. Use of Green Infrastructure**

Greater opportunity should be made of the green infrastructure for walking and cycling within the site. Is there an opportunity take make use of the former railway cutting to create a walking and cycle way under the A2 and allow access to the wider countryside beyond.

#### **H. Local Facilities**

The residential communities on either side of the A2050 Old and New Dover Roads are not well served by local facilities. Consideration should be given to the provision of local centres on both the western and eastern parts of the application site with good access to existing residential areas. The proposed A1-A5 floorspace could be distributed among the two local centres.

#### **I. Setting of Local Buildings**

The application should take the opportunity to improve the setting of all the listed buildings within the application site or affected by the application.

The High Court Judgement: Forest of Dean District Council and Secretary of State for Communities and Local Government and Gladman Developments Limited. 4 March 2016 at paragraph 38 states: ... that when a development will harm a listed building or its setting, the decision-maker must give that harm considerable importance and weight. That harm alone gives rise to a strong presumption against the grant of planning permission." The importance of assessing the contribution of made by the setting of a listed building was a key factor in the Barnwell Manor Wind Energy Limited Judgement of 18 February 2014 and Forge Field Judgement of 12 June 2014.

#### **J. Sustainable Design**

Publication Draft District Local Plan June 2014 policy DBE1 Sustainable Design and Construction requires new development to take account of the checklist in Table 1, which includes renewable energy. Looking at

a cross section of the elevation plans for Phase1 there is no evidence of how the development will meet this requirement such as through the provision of solar panels.

**K. Impact on the Kent Downs AONB**

The development, by virtue of its nature, scale, and location has the potential to impact on the Kent Downs AONB. The locations of taller buildings could have an adverse impact which needs to be addressed.

**L. Relocation of Kent & Canterbury Hospital.**

The reserve site should be reserved for longer than the 2 years following planning permission as set out in the application's Planning Statement at Table 1 on page 18. The period should be of sufficient length to allow the East Kent University NHS Trust to undertake its review and identify its preferred way forward.

Yours faithfully

A handwritten signature in black ink that reads "Paul Buckley". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

P Buckley  
Senior Planner  
CPRE Kent