Planning Application 2024/93494 – OBJECTION!

Key aspects relevant to this new Application:

Castle Hillfort is a valued national Scheduled Ancient Monument ("SAM") on which stands a listed Victorian Tower set within a highly prominent section of high-value GreenBelt.

Planning considerations in respect of GreenBelt, and Heritage approval, require unavoidable harm to be exceeded by proven public benefits. Furthermore, in the event the harm is considered 'substantial', then justification via associated benefits becomes unjustifiable.

There are established cases on the nature of developments permitted within the GreenBelt. It is accepted that this application does not fall into any recognised justification. As such, the only basis for its consideration is a case based on an assessment which **demonstrates** less than substantial harm, clearly compensated by public benefits delivered.

Missing justification for the Application:

Neither this application, nor the previous application, includes an evidential case identifying the extent of harm to the GreenBelt and/or heritage assets impacted upon by the proposed development. The latter deficiency has been pointed out by Historic England (HE) as a statutory consultee with regard to both current and past applications. Conversely, significant material is included which highlights claimed public benefits.

This application requires a justifying case (produced by one (or more) appropriately qualified specialists), which identifies:

- elements of harm (caused by the proposed development) to the GreenBelt, SAM and Listed Tower,
- the claimed justifying public benefits and how these will be underwritten over the long term, and
- the extent of any 'net' benefits generated by the proposed development.

An essential part of the above case must be evidence of long term commercial viability of the development to underpin the validity, extent and longevity of claimed benefits – if the business fails then the benefits fall away, and this important heritage site is left with a disused building and the ongoing harm inflicted by it.

Without such a case, the required planning judgement, and Scheduled Monument Consent ("SMC"), become difficult (if not impossible). This deficiency has been known for some time, yet the current planning application was validated without any such evidence.

Increased levels of Harm:

Any harm vs benefits case, claimed in the previous application, cannot provide evidence of viability for what is a revised proposition. The new application incorporates new areas of adverse impact:

- Increased parking clearly evidences increased traffic levels, so historic traffic appraisals are irrelevant. The current transport assessment includes no evidence of the **actual customer throughput required** to make the development commercially viable. It also states that site visitor numbers cannot be estimated and puts forward a low number. What the report does **NOT** factor in, is any material uplift in site visitors to the SAM, as a result of the proposed public benefits the development claims justify its construction!
- Higher levels of commercial footfall are also apparent from the increased seating provision (inside & outside). Are the external patios, to be provided with lighting and piped music?
- Apparent increase in size and physical location of the building, inflicting further harm on the heritage embankments.
- Construction of new infrastructure (Underpass?) to address redirection of the existing PROW. This is not mentioned anywhere other than in the Highways consultee response. Why?
- High levels of lighting and camera infrastructure (specified within the Police consultee response) littering the site with inappropriate technology infrastructure.
- Changed size, surface and drainage of the car park covers a largely undisturbed area covered by SMC.
- The suggested soakaway drainage is clearly unworkable, requiring substantial attenuation storage 'dug-in' to the SAM and a ducted run-off (based on the flood authority consultee response) which currently overflows onto Ashes Lane.
- A significant tree planting initiative has only recently commenced for the LNR surrounding Castle Hill. Clearly, the impact of the proposed development on the enhanced LNR could not have been considered

in the previous application. The wildlife assessment, included with the application, merely addresses the impact on the actual development site, completely overlooking undoubted adverse impacts on the surrounding Hi-value GreenBelt environment and its wildlife habitats.

I contend, based on the above, that current plans vary several key factors, materially changing the previous application. Any decision on harm vs benefit to the GreenBelt and/or heritage assets cannot be determined by reference to documentation based upon earlier circumstances. This is a new application and, as such, should include current material to support its specific case.

Significant Concerns around the proposed changes to PROW 171/20:

As noted above, the latest application 'apparently' introduces the concept of an 'underpass' to accommodate re-routing of the existing PROW yet no detail is supplied. Assuming increased excavation into the SAM is to be minimised, then logically the underpass is for vehicles, passing through the heritage embankment, with a bridge crossing for pedestrians. Such a bridge would need to be high enough to allow large (commercial) vehicles to pass safely under it whilst turning in and out of the narrow gap through the Bailey embankment.

Dependent upon the status of Byway Route Code: HUD/171/20, it would seem likely that such a high-level crossing would require:

- Segregation of user types, pedestrians, prams, wheelchairs, (possibly bikes and horses!)
- Shallow gradients for the disabled,
- Non-slip surfaces for horses
- Safety barriers etc
- Secure boundaries which do not introduce opportunities for graffiti etc.

The mere physical presence of such a bridge would introduce an enormous, adverse impact on the appearance & setting of the heritage assets, and on the openness of the GreenBelt.

Whilst it MAY be the case that information on the prior application addresses **SOME** the above shortfalls but only where the new application is not materially different from its predecessor. The above narrative demonstrates the changes may be less than material to the physical scheme but appear material to a decision on the development within its setting.

- The area of GreenBelt land (within the SAM) impacted upon, has increased significantly. The PROW works, car parking, lighting, additional terracing and service area (with gates) impinge upon the openness, use etc of the GreenBelt, and has a greater impact on the listed Victoria Tower and the SAM. These aspects simply cannot be addressed using assessments produced for the original development (if there were any)!
- The prior application was granted subject to numerous restrictive conditions around traffic volumes, available parking (for visitors to protected site), booking processes and limits etc to ensure the restricted access could safely accommodate associated volumes. Clearly, the 50% increase in parking must be to accommodate traffic levels beyond the calculated safe level. I cannot understand why this is not a material aspect affecting the balance of benefit vs harm, safety, pollution, visitor experience (and harm) for the SAM and the surrounding GreenBelt LNR. Again, this latter aspect could not have been factored into a planning approval 3yrs ago, given the LNR has only recently been declared an area for ongoing woodland planting and management to improve wildlife habitats over the next 15yrs.

Lack of Clarity:

Existing ground levels have been provided, yet the proposed development is not identified on this schedule. As such, there are no dimensions showing distances between the proposed development or the existing Victoria Tower/SAM embankments. Nor are reference heights provided to illustrate the finished height of the new development above CURRENT ground levels, and against the existing embankments/Victoria Tower. Without this key data, the true impact of the development on the heritage site and the openness of the GreenBelt, simply cannot be assessed as immaterial.

Significant inconsistencies appear between the drawings submitted for the new application and the earlier approved plans. The new plans appear to show the building extending further into the embankment adjacent to the bedrooms and full details of the service area impact was not included in the previous conditionally approved plans. As such, the impact on the scheduled embankments was never factored into the GreenBelt and/or SAM assessments

associated with the earlier application. As part of the previous application, I believe a statement was made that 'excavation into the embankments would not be acceptable'.

The new plans include one drawing with only 6 roof-lights, in another 10 rooflights – clearly suggesting a potentially significant impact in size of the development. There are no comparative dimensions provided and no indication of which forms part of the application.

No indication on the plans regarding the extent of excavation (beyond the building line) necessary to accommodate shoring up adjacent ground to create underground foundations. Again, this must be a key determinate of harm to the SAM which is not drawn-out in either the earlier planning application or the current one.

Conclusion on Compliance:

Having compared the application submitted, against KMC's own validation list (effective 6th Feb 2023 or 24th May 2024), it appears the supporting documents lodged with the application fall short of the specified requirements.

The importance of a continuing ability to provide justifying net benefits is such that (Section 10 Table 4 Point 36) of KC's own planning guidance requires a Viability Appraisal – to confirm delivery of future commitments.

The guidance clearly states the validation list is applicable to ALL applications but does add a caveat (for local requirements) that such requirements should be reasonable, having regard to nature and scale of the development. A development of this scale within hi-value GreenBelt, physically at the centre of a SAM of national importance, is both highly sensitive and requires the detailed justification laid down in NPPF.

I struggle to understand why a local authority would take the trouble to articulate a clear policy on required documentation supporting all planning applications and then ignore it in this high profile case. KC Planning need to reconsider the above to determine whether section 3 of the KC Validation Requirements is in point and requires the agent to be notified and requested to comply. In the event they do not address the shortfalls within the specified time limits KC's own rules require the application be rejected and the fee returned.

I would also point out that accepting late submission of key supporting documentation could not fully address initial omissions. A key objective of ensuring an application has required documentation is to ensure local democracy! Documentation submitted late will not have been made available to members of the public during the period allowed for public comment. How would they know when to look? How could they subsequently identify and comment on missing information?