

Faversham Society Draft Planning Rep

Dear Mr Allwood

Fernham Homes Application - 23/500807/Hybrid

The Society's objection to this application is submitted following our previous objection and should be reviewed in conjunction with it.

1 We are disappointed that our previous representation has been dismissed by the applicants and that the Society's concern that insufficient information has been provided to fully scope compliance with the land use allocations and guidance set out in Policy MU6 has been ignored. In rejecting this they state: -

"It is highlighted that Map 6.6.6 from the BFLP outlines the development concept for the land at Lady Dane Farm, but there is no requirement in the policy to adhere to this".

This begs the question what is the point of a considered assessment of unit numbers on any mixed-use site allocated in the local plan? We are staggered that it can be considered that the massive increase in the scale of housing numbers proposed over the MU6 policy allocation, rising from 260 to 438 (64.5%), cannot be significant. How can this be so casually dismissed?

This increase is substantial and as such represents a material consideration. We consider that the application should be refused on the grounds of overdevelopment and non-compliance in terms of spatial policy and guidance for the allocation of public open space, amenity and employment land.

2 We have also identified a flaw in the application which we believe will compel withdrawal or significant amendment/resubmission of the scheme.

The applicants state in the DAS that the site is predominantly arable land. They are silent on the use of the subservient land. We have identified this use by overlaying the built footprint for the application site over the approved plan (to the north) for the Crest Nicholson scheme (18/501408/REM). (Appendix 1)

It can be seen from the crosshatched lines that the subservient use approved is Public Open Space and Amenity land.

This land is protected by the following policies in the Local Plan: -

CP6 2 - (Safeguarding existing community services and facilities)

CP7 8e - (providing new recreational facilities in accordance with Policy DM17 of the local plan)

Clause 9.3 in Schedule 1 of the S106 Agreement dated July 2020 also protects the position and states: -

‘The Owners shall not dispose or transfer the Landscape Areas and Open Spaces without the consent of the Council other than (following completion of the Open Space Works) to the Council at nil value’. This clause is common in S 106 agreements and is inserted by the council to secure the long-term stewardship and use of non-remunerative land.

The council would be breaching their duty of care to the community if they were to release the burden of this covenant to enable development on this land in the event the application is approved by the planning committee or at appeal. In the light of this the application is flawed and applicants may wish to consider amending the application to exclude the area of this public open space.

3 Our previous objection to the loss of allocated employment land on the grounds of prematurity is sustained. We are concerned though that at the applicant’s suggestion that potential jobs could be lost if certainty cannot be delivered by the grant of consent for the outline application. May we suggest that a compromise could be reached by taking the opportunity of any replan to address point 2 above. The redline boundary could be amended to only embrace the land required for these employment, nursery and care home users and their access.

In the light of the above observations The Faversham Society consider that this application is flawed and should be refused.

Yours sincerely

Harold Goodwin
Chair

APPENDIX 1



Land granted planning consent for Public amenity open space and parkland approved under planning consent 18/501048/REM