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Harold Goodwin, Chair, 10-13 Preston Street, Faversham, ME13 8NS

To all members of the Swale Planning Committee

25 June 2023

20/500015/OU, Land At Abbeyfields Faversham Kent ME13 8HS

Outline application for the development of up to 180 dwellings

The Faversham Society urges members of the Swale Planning Committee to reject the recommendation from officers to permit development on Abbeyfields. The Faversham Society hopes the Planning Committee will refuse permission on the planning grounds evidenced in this letter.

The NPPF 11.d ii. asserts "a presumption in favour of sustainable development" unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits." The planners' advice is that the benefit is 180 houses. We submit that

- a) Swale planners have not demonstrated that the public or planning benefit of 180 houses is either necessary or desirable in this location - the tilted balance argument has been misapplied. The Faversham Society has submitted evidence to the planners that this development represents substantial harm to important heritage assets and the Conservation Area. **As we have demonstrated that the proposed planning or public benefit arising from this development is unnecessary, we are strongly of the view that the application should be rejected.**
- b) The **Food Risk assessment is significantly out of date** and needs to be updated/
- c) There is a host of additional reasons why this application should be refused: unnecessary development on Grade II BMV agricultural land, inadequate road access, damage to ecology and biodiversity and loss of amenity. **In our view, outline planning permission should not be granted until the major road access issues have been resolved.**
- d) **As can be seen from above, there is a wealth of material to suggest that the proposal is ill-conceived and will have significant adverse effects that outweigh the benefit of helping Swale to meet its 5 year housing land supply (which is the overriding basis upon which the recommendation to grant permission appears**

predicated). Swale planners have not demonstrated that the public or planning benefit of 180 houses is either necessary or desirable – the tilted balance argument has been misapplied.

The Society has not previously employed a planning barrister. We have twice employed the services of a planning counsel to make submissions on our behalf over Abbeyfields. We have grave concerns about how Swale has dealt with this application and the heritage impact if you were to grant planning permission.

Why an Extraordinary Planning Committee Meeting?

Given that the applicant has not made an application for non-determination to the Planning Inspectorate, we are of the opinion that the applicant is not convinced that the Inspectorate would find in their favour. In these circumstances, the Planning Committee would be well advised to enable the Inspectorate to decide because of the issues around the five-year housing land supply and the Conservation Officers' opinion, which the Faversham Society contests.

Damage to Heritage Assets

As we submitted in March 2023: "The Faversham Society maintains that the Conservation and Design Team have erred in their assessment of the harm that the proposal set out within the application has upon the former Royal Abbey of St. Saviours ("Faversham Abbey") (a Scheduled Monument), the medieval buildings and the surviving landscape associated with the Abbey and its monastic farm ("Abbey Farm") and the Conservation Area. A number of heritage assets survive locally to the site, including a number of Grade I, II and II* buildings – some of which have a direct link with Faversham Abbey and others which are important in understanding the development of the Town."

The Conservation Officer's "planning judgment" is "that the overall level of heritage impact harm that would arise would be in the region of a lower to mid-level NPPF-framed 'less than substantial harm.'"

The officer points out that "it would not be feasible to create a cohesive and necessarily high quality and sustainable modest urban extension to this northeastern edge of Faversham without inflicting some degree of impact on the historic landscape at this location."

In light of the Officer's 27/02/2020 Advice "I do not consider that the outline proposal would be of public benefit ... [and] would tend to blur and dilute the separation between built up land and countryside/creek areas as well as that of the Conservation Area", it is questionable why the application was not refused three years ago.

In April 2021 we submitted our first objection: "The facts that a) the proposed development at Abbey Fields is not necessary in order for Faversham (or Swale) to reach their respective housing quotas, b) would aggravate already serious traffic flow problems on the Whitstable Road, c) would infringe on a Local Wildlife Site which also has important amenity functions for local residents, d) has already been rejected for housing development in the emerging Local Plan, and e) would damage irreparably the characteristic view from the northeast of Faversham as a historic port town, mean that this application must be rejected." Since then sites for 219 units have been identified and included in a pro-development Neighbourhood Plan which also appraised and rejected Abbeyfields as a site for development.

Faversham is now all but totally encircled by modern housing estates. Abbey Fields is the last place where our historic town, designated as a Heritage Asset as a Conservation Area, abuts the open countryside and marsh, which explains so much of Faversham's character. The proposed development severs the link between the Conservation Area and the open historic landscape.

That Historic England has not commented does not indicate approval, HE has been stripped of resources and lacks the resources necessary to respond.

Tilted Balance Misapplied

Tilted balance, on which this recommendation to permit is based, applies only because a) Swale lacks an up-to-date Local Plan and b) because it does not have a five-year Housing Land Supply. We submit that the lack of a five-year Housing Land Supply, to the extent set out in the December 2022 position statement, is no longer accurate, given the recent number of windfall sites that have come forward and have had permission granted. As such, the Society feels that a decision to grant permission could be challenged. This is discussed further below.

As Faversham Town Council (6.2.2) has argued in their submission, the appeal decision at Norton Ash demonstrates that the absence of a five-year housing land warrants only moderate weight where there is other housing land in emerging plans. The Faversham Neighbourhood Plan, which received widespread and strong support at the Reg 14 consultation, is pro-development, and provides for 219 homes. This is an unwelcome and speculative application and there is no reason to approve it.

The officer's recommendation to approve is based on the planners' opinion that "The harm would not significantly or demonstrably outweigh the benefits of the proposal." The public benefit is 180 houses, **we submit that this**

"public benefit" is not required and that an important heritage asset is being sacrificed to make it easier to defend sites elsewhere in Swale.

Section 2.7 of the officers' advice to the Planning Committee states explicitly that: *"The size of the scheme at 180 units is useful in terms of the 5 Year Housing Land Supply. Getting the Borough back above 5 years would be a major achievement, **placing it back in control over schemes not complying with the local plan.** The ability of this towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance."*

This reveals that the primary planning benefit is regaining control of the local plan, the benefit is not to those impacted by the development but to others elsewhere. The interests of local residents are being overridden

- to benefit others elsewhere in Swale. Members should be mindful that if this is accepted, it will provide a precedent for similar decisions in the future and that all areas of Swale will be vulnerable.
- Bearing Fruits is now significantly outdated, and a new Local Plan is still far off. The previous administration's decision not to develop a Local Plan has created opportunities for speculative and unwanted development applications. If this one is approved, others will follow
- there is only public benefit if there is an intention to begin building. It is a reasonable assumption that this permission would add to the developer's land bank and lead to further unwanted and speculative applications towards Thorn Creek.

There is a real concern in Faversham, based on our understanding of land ownership in the area, that if this proposal is approved, there will be applications for further development as far as Thorn Creek.

We submit that the Council has not provided adequate evidence that it lacks a Five-Year Housing Land Supply

The site was not selected for development in Bearing Fruits, the emerging Local Plan, nor in the Neighbourhood Plan now at Reg 16.

The Faversham Neighbourhood Plan, which received widespread and strong support at the Reg 14 consultation, is pro-development, and provides for 219 homes. This is an unwelcome and speculative application.

We share Carol Goatham's concern about how the Council is using the Five-year Housing Land Supply to justify approval. On page 3 iii of the Statement of Housing Land Supply 2021/2022 Swale reports. "For the HDT, the Government made adjustments to the annual requirement figures to reflect the impacts of the Covid pandemic. However, the Council has not used these adjusted figures to calculate the housing land supply position. Had the Council done so, this would have enabled the Council to demonstrate a 5 year supply of housing." The 4.83 figure omits 23/500857/HYBRID for 84+70 houses, and there may be others as listed in Carol Goatham's submission on the Planning

Portal, 22 June. Swale is with the permitted buffer of 5% on the HDT. As Swale Planners argue as recently as March 2023 in their Housing Land Supply Statement, "The Council anticipates a result of 108% against the Government's Housing Delivery Test (HDT) 2022 to be published in early 2023 and enables the Council to choose to apply a 5% buffer to its 5 year housing land supply calculation."

We submit that the 4.83 figure is unreliable and that before relying on it to approve development at Abbeyfields, you should ask the planners to provide an accurate, current figure. There is a danger that the Planning Committee may approve this development on out-of-date and, therefore, inaccurate information.

Flood Risk

The applicants Flood Risk Assessment utilises data derived from the North Kent Coast Modelling and Mapping Study, completed by JBA Consulting, in December 2018 and issued by the EA. The climate change risk was informed by the 2017 UK Climate Change Assessment (CCRA2) which was superseded by CCRA3 in June 2021. The reported data is now nearly 5 years old, a period that has experienced unprecedented levels of temperature change, ice sheet melt and sea level rise.

The NPPF has been updated and now requires in para 161 that "All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk."

And 162 "**Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.** The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

The Faversham Neighbourhood Plan has identified appropriate sites for the development of 219 houses in areas not subject to flood risk,.

The Society strongly supports the other objections made by many:

1. It is **Grade II Best and Most Versatile** agricultural land development of this land is clearly contrary to National Planning Policy
2. **Inadequate Road Access** is, in part, privately owned, and the owners are responsible for maintenance. Access on to Whitstable Road, already seriously congested, is hazardous with poor lines of sight. The developer has, we understand, sought permission from the residents who own parts of the road and who have a responsibility to maintain it. The residents refused permission; these issues will need to be

addresse. In our view, outline planning permission should not be granted until the major road access issues have been resolved.

3. **Ecology and Biodiversity.** As the Town Council and many others have pointed out "The site is in close proximity to the RAMSAR and SSSI sites and provides a buffer zone. If this site is built on dog walkers etc. would be pushed further into these sites." And "Clapgate Springs are an important ecological site close the town. The setting of which should be preserved.
4. **Loss of Amenity:** there are well-used footpaths crossing the site, providing a much-loved green lung for Faversham residents.

As evidenced in this letter, the Faversham Society hopes the Planning Committee will refuse permission on these planning grounds.

Yours faithfully

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H.J. Goodwin

Harold Goodwin

Chair of the Faversham Society