10 January 2017 Letter to Programme Officer - Version 2



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Dear Ms Turner

Representation to Bearing Fruits 2031: Swale Borough Local Plan Examination Representation Reference: 785016

On behalf of Prudential Assurance Company Ltd we write to make representation in relation to the Inspectors Matters, Issues and Questions in relation to Land at Graveney Road (SW/783) and Matter 4 – All Other New Site Allocations.

Site and Surroundings

The site is located to north of Graveney Road has an area of 2.0ha and is currently in use as an agricultural field. The western section of the site is within the built up area of Faversham and it is bounded to the north by the railway line and to the west by an existing employment site. The employment site to the west has been allocated for a residential use in the emerging Local Plan under Policy AX3 (MM-155).

The railway line creates a physical boundary between the site and a Locally Designated Site of Biodiversity. The site is allocated for employment in the adopted development plan and has a draft allocation for employment development in the emerging Swale Borough Local Plan under Policy A.6.

Previous Representations

This site was submitted to the Call for Housing Sites in February 2016 and was considered by the Local Development Framework Panel on 19 May 2016 under site reference SW/783. At this meeting Members' made the decision, on the recommendation of the Principal Planning Officer, not to reallocate the site for a residential use and to retain the employment use of the site. The reason cited for this decision was "the site sought by the developer was in fact for a larger site than that allocated for employment" (pg 713 of the panel minutes). This was an error made by the Planning Officers' of Swale Borough Council. As can be seen in the Site Location Plan submitted to the Call for Sites, and included as part of this representation, the site area replicates that currently allocated, and proposed for employment. This error in interpretation has been acknowledged by Swale's Planning Officers' (please find attached email correspondence between Savills and Planning Officer Alan Best).

As set out in this representation, this error made by Swale Borough Council has had significant implications to the site's prospective allocation for residential development, and resulted in the merits of the site being allocated for a residential development not being fully considered. Due to this error it was requested that the site was reconsidered for its residential development potential. The proposed retention of the employment use allocation is also inconsistent, given the adjoining land to the west is now proposed for allocation for residential development.





Inspectors Interim Findings & Examination

As has been well discussed in the Inspectors Interim Findings and Examination Hearings the Housing Target for the Local Plan has been increased from 10,800 dwellings over the plan period to 13,192 dwellings (776 dwellings per annum) and that in light of additional evidence undertaken by Swale Borough Council it is clear further sites should be allocated for residential development in order to meet the OAN. The housing requirement for the Borough should not be applied as a maximum and therefore if suitable and available sites are identified they should be allocated to ensure flexibility and delivery of sufficient housing units.

In relation to the Inspectors Questions we wish to respond to questions:

4.1 – Is each of the new AX allocations justified by robust evidence, including landscape character assessment. Sustainability appraisal and consideration of countryside gap?

Whilst there is no objection to the new allocations within the Main Modifications, the assessment of the Land at Graveney Road (SW/783) in the evidence base is considered to be flawed. Swale Borough Council's decision not to include the site in the Local Plan is therefore unsound on this basis.

4.6 – Are the proposed Modifications to existing allocations justified and necessary to ensure soundness of the Plan?

As stated above there is no objection to the new allocations for residential development as set out in the Main Modifications of the Local Plan. However, as detailed below, the modifications to existing allocations should include Land at Graveney Road (SW/783) as a residential allocation. This is a sustainable location for residential development. In order for the plan to be found sound, all options for site allocations must be robustly assessed and it is considered that this site has not been assessed appropriately.

Both of the above matters are discussed in more detail below.

Bearing Fruits 2031: The Swale Borough Local Plan Main Modifications June 2016

The Land at Graveney Road is included under main modification MM124 and representations to the Main Modifications consultation were made in respect of this site being considered for residential allocation. Main modification MM124 retained this site as an employment allocation with the site capable of providing 7,000sqm of B use class floorspace and that site access for the site should be secured through a comprehensive approach with the redevelopment of the adjacent site (Policy AX3).

However the adjoining site to the west has been re-allocated in the Main Modifications for the development of a minimum of 90 dwellings (MM154 –Policy AX3)), and a planning application for 106 residential units has now been submitted on this site (ref: LPA Ref: 16/508643). It therefore would appear logical that for the same reasons this site is re-allocated for residential development. As set out in previous representations made the merits of this site being considered as a residential allocation include:

- Sustainable location within the existing settlement boundary
- Close proximity to local services and facilities and public transport
- Limited constraints as demonstrated by existing allocation for employment use

Given the scale of the housing need of the Borough it would be positive to include this site as an allocation for residential development. This would provide additional residential development in a sustainable location and assist in contributing to the Borough's objectively assessed need for housing. As confirmed in policy AX3 and MM154 this area of Faversham is a sustainable location for residential development and is better related to



the settlement boundary than a number of other proposed allocations in Faversham. A residential development of the site would be more beneficial than the land use currently proposed.

Whilst this site has been assessed as part of its allocation under policy A6 to be able to accommodate 7,000sqm of B use class floorspace, the total target over the Plan period as set out in Main Modification 42 is 130,000sqm. Main Modification 55 sets out that in relation to existing commitments alone the Council can identified 159,418 sq.m of B class floorspace. Therefore it would appear that the loss of 7,000sq.m of already committed B class floorspace in light of the need for additional housing sites in the Borough would not compromise the overall ability of the Borough to meet its target for employment floorspace. This is further supported by other sites in Faversham contributing to the provision of employment floorspace specifically Land Dane Farm (20,000sq.m) and Perry Court Farm (18,525sq.m).

Despite the numerous representations made, this site does not appear to have been properly assessed by Swale Borough Council for a residential allocation.

Swale Borough Council Response to Main Modification Representation

Swale Borough Council have provided a response to the representations made in respect of the proposed Main Modifications to the Local Plan. In response to the representation made in relation to this site (ref: LP814) the Council provided the following response:

Officers incorrectly reporting the site to the LDF Panel:

The extent of the site was incorrectly reported to the LDF Panel and the Chair was immediately notified once the error was highlighted. The Council is satisfied that the report highlighted the relevant issues and that even if the error had been corrected at the meeting it would have made no material difference to the outcome

Whilst the Panel was made aware following the meeting that an error had been made, this error clearly impacted on the way in which the site was assessed by them and was viewed in a negative light as Panel members' felt the area of the site was being increased. This therefore influenced the way in which the site should have been assessed.

1. Re-allocation of adjacent site for housing means that it is logical likewise for this site.

The adjacent site was originally proposed for mixed uses which would, potentially have involved housing. However, there are existing employment uses which the omission site adjoins. As noted by the LDF Panel report, these, together with site levels would not provide for an acceptable level of amenity for future residents of the omission site.

This comment appears to be referring to paragraph 3.42 of the Report which states:

"The landowner of Policy A6 is willing to see the site developed for housing instead of employment (SW/783 rank Tier A, SHLAA sweep 0). This could provide about 60 dwellings, although its topography and location next to existing commercial uses may reduce this significantly and may not overall make this a particularly desirable or suitable housing allocation".

This would however appear to now be invalid as the neighbouring existing commercial uses will be replaced by residential use as the neighbouring site has been allocated for residential development. Therefore residential amenity would not appear to be a constraint.

2. A shared access between employment and housing is not necessary or practical.



Whilst there are certain practical considerations about the shared use of the access between housing and employment, they are not judged to be insurmountable and can be addressed through the detailed design of development. A separate access for the omission site is not considered desirable in terms of highway safety, given its potential position on a brow of a hill, whilst an access at this point would lead to development with a greater visual presence in the landscape.

As previously set out in representations on this site a shared access to the employment site is not considered to be a desirable solution as it could potentially result in conflict between residential and employment traffic, congestion and highways safety issues which could potentially prevent both allocations from coming forward.

3. Site is suitable for housing as it is in a sustainable location, close to existing services and public transport

These matters relating to sustainability are acknowledged. However, the Local Plan, as proposed to be modified, is sound, namely that it is positively prepared because the Council has allocated sites to meet the OAN and infrastructure requirements. It is also consistent with national policy in that the sites allocated accord with both the strategy of the plan and the NPPF itself. Whilst the site has been put forward for allocation, no justification has been given as to why the site should be allocated instead of or in addition to one or more of the Council's preferred allocations. Additionally, no objection has been raised to the principle of the employment allocation either. There is therefore no need to allocate the site for purposes of meeting the Council's housing target or any other compelling reason to allocate the site instead of or in addition to those preferred by the Council.

Whilst the Council state that the modified plan is sound as it has allocated sites to meet the OAN and infrastructure requirements, simply allocating additional sites is not sufficient. The allocations of site should be based on a robust, justified and detailed assessment of all potential options which does not appear to have taken place.

Ranked Assessment of Reasonable Non-Allocated Site Options to Inform Modifications to the Swale Borough Local Plan (June 2016)

This document produced jointly by AECOM and Swale Borough Council (SBC/PS/106), aimed to inform a decision on which sites should be allocated through modifications to the Swale Borough Local Plan given the need to allocate additional sites in order to meet the objectively assessed housing need.

This report places sites within "tiers":

- Tier A sites that may be unconstrained and broadly suitable allocation
- Tier B-F sites with landscape constraints (tier B have lowest constraint)
- Tier G sites associated with a significant environmental constraint
- Tier H sites at a lower tier village (i.e. a village not Rural Local Service Centre)

The site is also ranked within the tiers including:

- The location of the site in terms of the settlement strategy
- The site size (with larger sites preferred)

The Land north of Graveney Road, East of Faversham (Policy A6) has been ranked 6th within Tier A in this assessment which clearly indicates that this site scored highly when considered for a residential allocation particularly when compared to other sites considered for potential allocation. The site has clearly been positively assessed as a potential location for residential development through this process and therefore it is not clear why this site has not been allocated, particularly in light of the allocation of the neighbouring site. There would appear to be no logic in not allocating a highly ranked site which directly abuts a neighbouring housing allocation.



This site is in a sustainable location immediately adjacent to the built up boundary of a settlement which as been identified as being capable of accommodating additional growth. The site is adjacent to an emerging residential allocation and the impact of developing the site for a residential use would not have a negative impact on the wider area as demonstrated by the allocation of the neighbouring site and would assist in ensuring that Swale Borough Council meet their housing need.

Sustainability Appraisal (SA) Addendum June 2016

The SA Addendum (SBC/PS/105b) sets out that "there is a need to deliver a 'proportional boost" at Faversham i.e. a boost in line with the strategy of directing in the order to 15% growth. Faversham is a heavily constrained town; however at the same time it is suited for housing growth in the sense there is high demand and therefore high development viability. This is an important strategic consideration, given that viable/deliverable sites are needed to ensure a robust housing trajectory".

A total of 5 additional sites for allocation were identified in Faversham totalling an additional 803 dwellings. The SA Addendum goes on to states that "There is no need to consider the possibility of further allocations...given strategic considerations and no further 'standout' sites; and so the approach to additional allocations at Faversham was identified as a constant, for the purposes of developing alternatives."

This would appear to indicate that other sites have not been fully assessed against others as the "stand out" sites were already identified. This would appear to be a flawed approach given that this site was assessed to be in a less constrained Tier and ranked higher than a number of the sites which have been allocated as part of the Main Modification.

Review of Site Options

The Sustainability Appraisal Addendum has reappraised the sites considered as potential options for additional allocations across the Borough as part of the Main Modifications in line with the assessment undertake by the Ranked Assessment. The RAG score for the site included 6 categories:

- Red Site performs particularly poorly
- Amber Site performs poorly
- No Shading –No issue in terms of this criterion
- Light Green Site performs well
- Dark Green Site performs particularly well

The assessment of Land north of Graveney Road (SW/783) identified a number of criteria which the site was assessed to perform poorly against. This assessment is considered to be flawed and to not accurately reflect the sites opportunities and its sustainable location within the existing settlement boundary of Faversham. The key issues with the assessment are discussed below.

In relation to those criteria which relate to protected environment sites and air quality the RAG score for each is based on distance from a designated area. However whilst this site falls within the Red and Amber distance of these areas, given that the immediately adjacent site has been allocated for residential development it is clear that Swale Borough Council believe that any impact on these areas can be mitigated if required. In addition the site scored well in relation to National Nature Reserves.

In relation to Agricultural Land and Environmental Stewardship and all wider landscape and ecological considerations, given that this site is allocated for an employment development under the current Local Plan, it is clear that the loss of this land has already been accepted by the Council.



The neighbouring site (allocated under AX3) scored very similarly to this site in this assessment with the only key differences being:

Criteria	Land North of Graveney Road (AX3 /	Land North of Graveney Road
	SW/334)	(SW/783)
SAC	No shading	Amber
Local Shop	Amber	Red
Primary School	Light Green	No shading
GP	No Shading	Amber
Secondary School	Light Green	No shading

Given the proximity of these two sites to one another it would appear than this assessment is not adequately assessing sites. The site subject to this representation should clearly be assessed in the same manner as the neighbouring site.

The RAG score for a local shop would appear to be irrelevant due to the site scoring green for a larger shop. In relation to the score for GP again as the neighbouring site has been included as a residential allocation this would not appear to be an major constraint and the site is in close proximity to a number of other local services and facilities (which score well or particularly well) including:

- Bank
- Larger Shop
- Train Station

This would therefore indicate that this site is a sustainable location for residential development. In light of the flaws in this assessment and therefore the corresponding outcomes of the assessment it is clear that this assessment has not reflected the opportunity that this site presents to provide additional residential development.

Conclusions

Overall, other than the response from Swale Borough Council in relation to the representations made to the Main Modifications consultation, the assessment of the site in the Ranked Assessment and SA Addendum, there does not appear to be a full assessment taking all relevant factors into account, in relation to the allocation of additional sites.

Whilst the individual assessments of the site's are insightful and enable the sites to be assessed within specific parameters, a lack of full assessment taking the different individual assessments into account and clearly setting out why sites have or have not been allocated would appear to be a flawed approach which should be revisited and a full detailed and objective assessment of all potential sites should be undertaken.

The Land at Graveney Road should be reassessed by the Council and properly considered for inclusion as a residential allocation. Without full objective assessment of sites the Local Plan as modified cannot be considered to be based on robust evidence. We therefore respectfully request that the Inspector considers the evidence and arguments set out in this and previous representations made, in relation to the flaws in the assessment and overall conclusions drawn by Swale Borough Council. The Land at Graveney Road should be included in the Local Plan as a residential allocation, with no overriding evidence to suggest that this is would not be deliverable or sustainable, in line with the conclusions on the adjoining site to the west. We therefore respectfully request that the Inspector allocates the Land at Graveney Road (ref: SW/783) for residential use.



Yours sincerely

Stuart Garnett

Encs.

Email correspondence between Savills and Planning Officer Alan Best