

APPENDIX D

MATTER 9.3: ADDITIONAL NON-ALLOCATED HOUSING LAND SUPPLY SITES - A2 / WESTERN LINK SITE, FAVERSHAM (SW/433)

1. INTRODUCTION

1. Post the submission of a detailed representation in support of the allocation of the A2 / Western Link site (SW/433) at the November / December 2015 Examination in Public (Ref: 73149), this Appendix set outs additional material evidence in support of the site's allocation as part of SBC's proposed housing allocations under Policy ST4 (in which the site would be both deliverable and developable within the next 5 years).

2. BACKGROUND

3. As previously confirmed, the site was originally identified as a potential development opportunity for either housing or employment use in the Swale Urban Extension Landscape Capacity Study, 2010. In spite of this, it was only categorised as a 'Tier E' site ('Sites with significant environmental constraints') (Rank 62) in AECOM'S Ranked Assessment of Non-Allocated Site Options, October 2015 – the principal reason underlined relating to its close proximity to the Ospringe AQMA to the east. Other reasons given relate to the site's gateway location; proximity to the Syndale Conservation Area; and the site contributing to the landscape setting of Faversham / Ospringe historic settlement. This is in accordance with AECOM'S Sustainability Appraisal (SA) of the Swale Local Plan Part 1 – Post Submission Interim SA Report II (Site Options), October 2015 which confirms that the site performed 'particularly poorly' (red) in terms of proximity of the AQMA and SPA / distance from doctor's surgery (as per SHLAA) and bank. Further that the site performed 'poorly' in respect of proximity to the Conservation Area; AONB; Kent Landscape and Agricultural Land are shown. The site performed 'particularly well' in terms of proximity to local shops and primary school.

4. The AECOM Ranked Assessment of Reasonable Non-Allocated Site Options, June 2016 (Final Report) re-affirms that the task was undertaken with limited time and resources ('rapid assessment') and hence the output is only 'indicative'. It continues at Para 2.1.3 that unlike the 2015 assessment, 'air quality' has no longer been taken to be a 'significant environmental constraint'. Further, it confirms that a very conservative approach has been taken in respect of 'heritage' constraints in which in practice it is recognised that there is often good potential to mitigate impacts to the setting of heritage assets. Finally, it states that unlike the 2015 assessment, 'agricultural quality' has not been taken into account when ranking sites.

5. In spite of these changes, the A2/ Western Link site has still been listed as a Site with significant environmental constraints' (Tier G) (Rank 50) (Significant Constraint – Heritage; Landscape Constraint - 1). As such, it is evident that the latest AECOM report considers 'heritage' to be a 'Significant Constraint' (whereas before it was not) with impact on the landscape being at the lower end of scale (with 5 being the highest impact). Given the opportunities available to mitigate against impact of any proposed housing development on the Syndale Park Conservation by creating a landscape buffer (as described below under the recent outline planning application proposals) the classification of the site as falling within Tier G would appear not to be justified (as acknowledged by the AECOM report at Para 2.1.3).

6. For the above reasons, one would expect the A2 / Western Link site to be ranked a lot higher (at least somewhere between Tiers A to B). Even based on the site's current ranking, it is evident that there are very few 'non - allocated' alternative sites in Faversham that are ranked higher than the A2 / Western Link site; namely:

- Nova Furniture Site, Graveney Road (3ha) (SW/334) (Rank 5);
- London Road / Water Lane, Ospringe (11.5ha) (SW/047) (Rank 48); and
- Shepherd Neame's West of Water Lane, Ospringe (8.2ha) (SW/047) (Rank 49).

7. Both the sites to the west of Ospringe are large development opportunities which have less potential of contributing to SBC's 5 year housing land supply. As such, it

remains the case, that the A2/ Western Link site (54 houses) represents important means of helping SBC's meet its potential shortfall in 5 year housing land supply within the Faversham / Rest of Swale area – forecast development horizon 2018/19. Additional evidence in support of the site's allocation / higher ranking is set out below (as per the site's recent planning history / submission of an outline planning application).

3. ADDITIONAL SUPPORTING EVIDENCE / SBC CONSIDERATION OF THE SITE'S SUITABILITY FOR HOUSING

8. In the light of the prevailing shortfall in 5 year housing land supply and the planning merits of the A2 / Western Link site for housing, an outline planning application for 54 houses was submitted to SBC in June 2016 (16/505555/OUT). The scheme layout proposals were the result of detailed discussions held between The Landscape Partnership and DAC Architects (Master Planners) (Appendix 3). They show a large area of open space running along the north side of the A2 acting as a park / community orchard / landscaped buffer between the proposed low density housing development (54 houses – 2,3 & 4 bedrooms) and the Syndale Park Conservation Area to the south (designated in 2008).

9. As part of the planning application submission documentation, a number of detailed sub-consultancy reports were prepared in relation to matters concerning site access / highways; air quality; noise; drainage; archaeology; agriculture; ecology; landscape (LVA); and sustainability. The results of this work and the formal responses received from relevant statutory bodies serves to underpin the appropriateness of the site as a suitable housing allocation; namely:

Planning Issue	Consultant	Formal Responses
Site Access / Highways / PROW	RGP	KCC Highways & Transportation – Post submission of a detailed Highways Statement / Plans, KCC has confirmed that there is no objection to proposed means of access (including visibility splays / right turn lane) / highway impact. All recommendations set out in the road

		<p>safety audit to be implemented (including new footway along eastern side of Western Link / new pedestrian crossing).</p> <p>KCC PROW / British Rail Level Crossing Team – Agreement in principle to improve public footpath link (ZF9) / pedestrian crossing over railway line (new EBI Gates). To form part of S106 costs.</p>
Air Quality	AMEC	SBC Environmental Health – Post submission of detailed AQMA, SBC EA has confirmed that the proposals result in a negligible increase in traffic flows through the nearby AQMA's in which mitigation measures specified during the construction phase should be put in place.
Noise	Hann Tucker	SBC Environmental Health – Post submission of a detailed noise impact assessment report / input into housing layout, SBC EA has confirmed that this work is approved and mitigation measures should be undertaken.
Drainage	RGP	KCC Lead Local Drainage Authority – Post submission of an FRA, KCC has confirmed that there is no objection subject to conditions relating to surface water drainage / sustainable drainage schemes.
Archaeology	Archaeological Solutions	KCC County Archaeologist – Post submission of detailed desk top and trench work across the site, KCC has confirmed that development can be undertaken, subject to planning conditions, without harm to archaeological remains (former Roman Burial site on part of site fully excavated in the 1920's).
Ecology	Ecology Solutions Ltd	KCC Ecology / Natural England – Post submission of a Habitat 1 assessment, KCC Biodiversity has confirmed that the site is assessed as being of limited ecological value, subject to provision of an ecological management strategy and S106 payment towards Swale SPA and Ramsar sites.
Landscape	The Landscape Partnership	SBC Planning – Planning Officer report notes that UELCS does identify the site for potential development. Further that site's rural character and appearance is offset by the roads and railway line surrounding the site, the visual barrier of the roundabout, the relatively localised views and the context of the built settlement in the hinterland. On balance, however, it is the Planning Officer's view that there would be harm to the character and appearance of the rural area and setting of Syndale Park landscape in a fragile gateway

		location immediately outside the built confines of Faversham
Agriculture	BTF	Rural Planning Ltd (Consultants) – Planning Officer’s report states that the totality of all the identified constraints do carry a degree of weight that lessen the significance of the loss of Grade 1 & 2 land (in accordance with 1988 MAFF ALC Guidance)
Sustainability	RGP	SBC Planning – Planning Officer report states that in terms of the site’s location it would not be divorced from some services and facilities to an unacceptable extent (NB: The site failed the SHLAA sustainability criteria due to distance from GP services)

10. The Planning Officer’s report considers the ‘overall planning balance’ of the proposals. In support of the proposals, it finds that:

- The site would deliver housing, including affordable housing in an edge of town location;
- In the absence of a 5 year housing land supply, the development would contribute to boosting housing supply in the District and would deliver a choice of housing (In accordance with Paras 17, 47 and 50 of the NPPF);
- It would meet the economic and social dimensions of sustainable development through the creation of construction jobs and housing to support growth, and by providing a supply of housing to support strong, vibrant and healthy communities.

11. Against the proposals, it finds that:

- The proposed development would result in ‘substantial’ harm to the setting of the Syndale Park Conservation Area – in which Para 133 of the NPPF confirms that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss;

- The harm would significantly and demonstrably fail to meet the environmental dimension of sustainable development as defined in the NPPF, as it would fail to protect the historic environment and setting of a designated asset;
- The development would fall outside of the defined confines of Faversham and would result in the loss of countryside and best and most versatile land as well as harm to the character of the landscape as a soft edge to the town and setting of Syndale Park landscape;
- Whilst the delivery of housing would be considered as a substantial benefit, the Council is at an advanced position in meeting its full housing needs through the emerging Local Plan, and the release of the site is not required to achieve this.

12. Taking the above factors into account, the Planning Officer's report concludes that the proposal would not represent sustainable development and that the adverse impacts of development would significantly and demonstrably outweigh the benefits of the scheme. On the 10th October 2016, (under delegated powers) SBC recommended that planning permission should be refused for the following reasons:

1. The proposed development would be located immediately to the north of the Syndale Conservation Area, the significance of which lies in its open landscape form, tranquillity and disconnection from the built confines of Faversham. The proposed development would diminish the countryside and landscape setting around Syndale Park and would result in a large housing development in close proximity to the Park, causing substantial harm to its significance. As a result, it would fail to preserve the setting of the conservation area as a designated asset, and would be contrary to policy E15 of the adopted Swale BC Local Plan, policy DM33 of the emerging Swale Borough Local Plan 'Bearing Fruits 2031' (Proposed Main Modifications June 2016) and the NPPF;

2. The proposed development would be located outside of the defined urban boundaries of Faversham (as established by Local Plan Policy SH1) and emerging Local Plan Policy ST3 which place emphasis on the use of previously developed land within the defined built up areas and on sites allocated by the Local Plan) and is not proposed as an allocated housing site within the emerging local plan. The proposed development would detract from the intrinsic value; landscape setting, tranquillity and beauty of the countryside in a sensitive gateway location on the approach into Faversham, and would be detached from existing built confines by the railway line to the north and open countryside to the east. It would also result in the loss of best and

most versatile agricultural land. The site has been considered for allocation in the emerging Swale Borough Local Plan 'Bearing Fruits 2031' (Proposed Main Modifications June 2016). However, it scores poorly in the Sustainability Appraisal and Ranked Assessment of sites as background documents to the emerging plan. Given the advanced status of the emerging plan, the allocation of further sites to meet objectively assessed housing needs for the borough and the progress made by the Council in achieving a 5 year housing land supply as part of the local plan process, the development of this site is unnecessary and the harm it would cause would significantly and demonstrably outweigh the benefits of the development and would fail to result in a sustainable form of development. This would be contrary to policies SP1, SH1, E6 and E9 of the Swale Borough Local Plan, policies ST1, ST3, ST7, DM24 and DM31 of the emerging Swale Borough Local Plan 'Bearing Fruits 2031' (Proposed Main Modifications June 2016) and the National Planning Policy Framework'.

13. In response to AECOM's June 2016 update (Ranked Assessment of Non-Allocated Sites) and SBC's October 2016 refusal of Outline Planning Permission, Shepherd Neame Ltd has commissioned further landscape and heritage assessment work from The Landscape Partnership (TLP) and the Heritage Collective respectively (Appendix 1 & 2). Against the background of there remaining a shortfall in 5 year housing land supply in the Faversham / Rest of Swale area (EIP Matter 9.2), it is evident that the key considerations in this case relate to whether the impact of the proposed housing development / landscaped buffer on the setting of the Syndale Conservation Area would cause 'substantial harm' and whether the development would detract from the landscape on the edge of Faversham. Further consideration is also given to matters concerning the loss of agricultural land.

(i) Impact on the setting of the Syndale Park Conservation Area

14. A heritage statement prepared by the Heritage Collective (Sub Appendix 3) states that the development of the A2 / Western Link site would have no effect on the significance of the Conservation Area as it has been formally identified by the Council. It continues that any impact will be much less than substantial, effectively falling below the threshold described in para 134 of the NPPF. At its highest the harm could only be described as falling at the lowest point of the spectrum of less than substantial harm.

(ii) Impact on the Countryside

14. The TLP Landscape Statement (Sub Appendix 1) reaffirms that the site is of low landscape sensitivity (low value / low susceptibility to change) in which its development would result in a low magnitude of change in terms of the surrounding landscape (Moderate Adverse – Year 1 reducing to Moderate Neutral- Year 10 as planting matures). This assessment accords with the recommendations set out in SBC’s UELCS which identified the site as one of the few possibilities for housing or commercial development on the edge of Faversham.

14. The TLP report also confirms that as a non - designated landscape, Parts B and Part C of emergent Policy DM24 – ‘Conserving and Enhancing Valued Landscapes’ are applicable, in which, specific regard has been paid to the ‘minimisation and mitigation’ of adverse landscape impacts (including reference to advice contained within the UELCS and SBC Landscape Character and Biodiversity Appraisal SPD) when considering alternative housing layout options for the site – as per the LVIA work outlined above.

15. Against this background, the TLP statement draws the following conclusions in respect of the specific points cited SBC’s Reason for Refusal No.2:

- Intrinsic Value and beauty of the countryside: The site is neither a designated landscape nor a valued landscape. Further the claim that the site has a particular value as countryside would appear to be incompatible with SBC’s own evidence base set out in the UECLS (and referred to in the emergent Local Plan in the supporting written justification to Policy DM24);
- Sensitive Gateway: In terms of the site’s landscape quality, it is considered that the site’s gateway function (when approached from the west) is moderated by both its visual and physical containment. Further, it is considered to be the less sensitive part of the gateway (in contrast to land to the south and west) in which a well designed scheme could serve to provide a considered and enhanced gateway leading towards Ospringe / Faversham;

- Faversham Town Morphology: The site is not considered to contribute to the morphology or character of Faversham (Emergent Policy ST7). When viewing the site or surrounding area one is not aware of the presence or context of the historic edge of Faversham, which is located at some distance. The main appreciation of the edge of Faversham is towards the residential development on Saint Nicolas Road;
- Tranquillity: The emergent Swale Borough Local Plan, Main Modifications, June 2016 (Map 7.7.1) shows the area south-west of Faversham as one of the least tranquil parts of the Borough (being bounded by the A2, B2045 and the railway line). The effect of the proposed development on the Site is considered to be negligible on the levels of tranquillity experienced within the landscape;
- Relationship to the built up area: Rather than being detached from the existing built confines of the town, it is considered that the site would share a close visual relationship with other developments; namely; the housing at St Nicholas Road to the north east forms part of the existing urban context that is readily visible from the site and the A2 corridor. Further, the northern boundary of the site, albeit separated by the railway line, will be directly opposite an approved development of 250 houses. The development of the site would follow a directly comparable defensible boundary to the Western Link Road;
- Landscape Proposals: It is considered that the landscape proposals for the site and most notably the 1ha of open space to the southern boundary would contribute to the aspirations of Policy ST 1 – d) and e) by the provision of plentiful native landscaping around the development and semi-natural green space. This would be a net enhancement of the existing arable and disused orchard landscape.

16. For all of the above reasons, it is evident from the LVA prepared by TLP that there are no material basis for refusing outline planning permission for housing development on the site on landscape grounds.

(iii) Loss of Agricultural Land

17. The development of the site would result in the loss of circa 3 ha of Agricultural Land, of which 1ha would be retained as public open space / community orchard (Approximately 60% Grade 1; 40% Grade 2). If land to the east is developed, the total loss of Agricultural Land would be 4.3ha. The Agricultural Land does not form part of a larger farm holding. It is currently farmed under licence.

18. Given that the area of Agricultural Land that would be lost to housing development would be relatively small, it is the case that the proposals do not conflict with NPPF Para 112 which confirms that where ‘significant’ development is necessary, areas of poorer quality land should be used in preference to high quality land (NB: Natural England Technical Information Note TIN049 states that it only needs to be consulted on applications involving the loss of 20ha or more). Further, it is evident that Faversham Town is tightly constrained by best and most versatile agricultural land (apart from the Oare Marshes) in which very few opportunities exist for housing development within the built up area or on the urban edge – hence SBC’s proposed allocation of large sites for housing on Grade 1 & 2 Agricultural Land at Lady Dale Farm, Perry Court Farm and Preston Fields – circa 100 ha (total). For this reason, it is not considered that the proposals conflict with emergent Policy DM31: Agricultural Land – Criteria 2 & 3.

19. In addition to considering the Agricultural Grade of the land, it is noted that formal responses received from SBC Consultants (Rural Planning Limited), in respect of the outline planning application proposals (as supported by BFT Significance of Agricultural Land Classification Report, November 2015), accepted that other constraining factors affecting the site reduced its ‘significance’ as a parcel of best and most versatile agricultural land; namely:

‘The site has a number of constraints that could, collectively carry a degree of weight to lessen the significance of the loss of this land. This includes lack of irrigation water; limited size of site without any significant larger area of adjoining agricultural land; proximity to the railway; public trespass, and possible conflicts re use of sprays near residential properties’

20. In terms of planning precedent, it is noted that the Planning Inspector to Shepherd Neame’s Brogdale Road Planning Appeal (APP/V2255/A/14/2224509) found that:

‘In my view the proposal does not involve a significant loss of the best and most versatile agricultural land. At 3.4ha in area the field is very small in comparison to the amount of agricultural land around Faversham, most of which is of similar quality. I also note that the Council has recently identified other good quality agricultural land around Faversham for development. As it is not related to any other land-holding in the area its loss would not prejudice the continued operation of any other farming business. Whilst acknowledging the Council’s concerns about the release of other high quality land in the area south of the A2 each proposal needs to be determined on its particular merits, including its overall scale and relationship with existing development’

21. Similarly, it is not considered that the development of the A2 / Western Link site, for the reasons outlined above, would result in a significant loss of the best and most versatile agricultural land.

4. RE-APPRAISAL OF SITE ALLOCATION

22. Using the methodology / assessment adopted by AECOM in its Sustainability Appraisal, October 2015, it is evident that the A2 / Western Link site can be reassessed as follows:

Criteria	Performance	Findings
AQMA	Light Green – Performs well	As per AMEC report / SBC EA responses
SPA	Light Green – Performs well	KCC Biodiversity – to be covered by a S106 payment
Conservation	Light Green – Performs well	As per Heritage Assessment / No substantial harm / mitigation measures
ANOB	Light Green – Performs well	As per TLP LVIA – No functional or visual links
Kent Landscape	Light Green – Performs well	As per UELCS / TLP LIVA – Moderate Adverse (Year 1) reducing to Moderate Neutral (Year 10)

Agricultural Land	Light Green – Performs well	As per BFT report / Rural Planning Ltd responses – small site / significance reduced by constraints
Sustainability	Light Green – Performs well	AECOM SA / Planning Officer’s report confirms that this is acceptable (apart from GP surgery)

23. Based on the above, it would be reasonable to expect the A2 / Western Link site to score highly as part of AECOM’s ranked assessment work; namely within Tiers A & B (as with Shepherd Neame’s Brogdale Road site – Tier B / Rank 11). In so doing, the A2 / Western Link site represents one of the top 2 suitable sites for housing development in Faversham to make up any shortfall in supply – the other non allocated site being the former Nova Furniture site, Graveney Road (3ha).

24. As previously stated, the A2/ Western Link site would be deliverable within the next 5 years. RPC has obtained interest from a number of house builders (Sub - Appendix 3) which reaffirms this point. For all of these reasons, a strong case exists for allocating the A2 / Western Link site for housing development as part of SBC’s proposed housing allocations under Policy ST4.

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