

Comments for Planning Application 20/500015/OUT

Application Summary

Application Number: 20/500015/OUT

Address: Land At Abbeyfields Faversham Kent ME13 8HS

Proposal: Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities and service infrastructure works (All matters reserved except Access).

Case Officer: Paul Gregory

Customer Details

Name: . Faversham Society The Faversham Society

Address: Fleur De Lis Heritage Centre, 13 Preston Street, Faversham, Kent ME13 8NS

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have looked again at the revised scheme and remain of the view that it constitutes substantial harm. Even if Swale Planners decides that less than substantial harm is caused to the Conservation Area, there is no public benefit to justify the development.

The Faversham Society Objects to this proposal on three grounds

1. The proposal constitutes substantial harm to the Conservation Area
2. There is no substantial public benefit to outweigh even "less than substantial harm."
3. There is insufficient and inadequate road access

1. This development constitutes substantial harm

The Society rejects the view that this development represents less than substantial harm.

In our view, the proposed development does substantial harm to the setting of the Conservation Area and of the listed Abbey Barns. The Abbey site remains open as it was depicted in Jacob's Map of 1774, thus preserving a unique historical spatial experience to that of others parts of the Conservation Area. The loss of the existing agricultural openness would cause severe damage to the character of the Conservation Area setting and hence to the Conservation Area itself.

The NPPF(195) requires that

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

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AND (200)

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings or grade II registered parks or gardens, should be exceptional;
- b) "grade I and II listed buildings"..... "should be wholly exceptional."

Faversham's heritage is as an agricultural market town and gunpowder. If this development is permitted, this will result in the loss of the last link between Faversham and its agricultural heritage as well as destroying the non-heritage assets on the land between the bans and Thorn Creek. This is the only p[art of the Conservation Area which links to the Abbey Fields and Faversham's agricultural heritage

In April 2020, KCC Archaeology submitted a response to this application. They describe the important archaeological remains which exist in the area of land between the Abbey Barns I & II* and Thorn Creek, where the Abbey Wharf which was part of the medieval abbey complex.

The Historic England listing is:-

"Monastic timber-framed, weatherboarding-clad barns. The two barns are amongst the few surviving buildings of Faversham Abbey. The larger, Major Barn, dates from circa 1500 with some early 19th century alterations and is listed Grade II*. The smaller, Minor Barn, dates from circa 1350 and listed Grade I. In use as a working sawmill.

The Abbey was of national significance in the C12th founded by King Stephen in 1148. The Abbey was the burial place of King Stephen, Queen Matilda, and their eldest son, Eustace IV of Boulogne. The Abbey was destroyed in 1538 during the Dissolution of the Monasteries. "

The Abbey Barns are of national and regional significance. To put a modern housing estate on Abbey Fields will destroy the integrity of this rich archaeological area. A detailed appraisal of the land was undertaken by Ray Harrison for Keystone and SBC in 2001. There are two reports each detailing the very considerable heritage to be found on the land. If SBC does not have copies of these reports, we can provide them from the Society's archives. We shall suggest these assets for designation in the imminent Conservation Area review.

In our view, the proposal does substantial damage to the setting of the listed buildings and the Conservation Area.

The area is also rich in non-designated heritage assets

Section 203 of the NPPF requires that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application..." and "draw on the contribution made by the historic environment to the character of a place."

In the Society's view, there is potential for this area to be developed as a Heritage Quarter in the next decade. If this development is permitted, that would not be possible. Section 190 of the NPPF requires that "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

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This applies to the determination of planning applications and is relevant in this case. The proposed building is clearly at odds with this character, as already discussed.

The scheme causes very substantial harm to the character and appearance of the Conservation Area. Section 72 would appear to indicate refusal.

For the emerging Neighbourhood Plan AECOM, assessed FNP20 16/505597/FULL. Land adjacent to New Creek Road, and reported that

- the development would be outside the defined urban boundaries of Faversham.
- It would detract from the value, tranquillity and beauty of the countryside and the quality and character of the landscape within a Special Landscape Area.
- and obstruct views into and out of the designated Faversham conservation area, having a significant detrimental character and appearance of the Faversham conservation area, and would have a detrimental impact on the wider setting of the protected Abbey Farmstead and its Grade I and Grade II* listed buildings and barns

We submit that these are considerations apply equally to this proposal.

Section 194 of the NPPF requires that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

As Swale's Conservation Officer confirms in his submission of 10 Sept 2021, the fact that the Faversham Conservation Area is screened from the Abbey Field by modern scrub does not invalidate the underlying fact that the Field forms its wide eastern setting. The scrub could be removed.

Section 109 of the NPPF

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

We submit that the Abbey Barns are very important assets and that great weight should be attached to conserving their setting, particularly because there are heritage assets within that setting.

Section 200 of the NPPF requires that

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." It identifies "grade I and II* listed buildings ...should be wholly exceptional

Section 201 of the NPPF states that

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

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a) the nature of the heritage asset prevents all reasonable uses of the site; and
We submit that this does not apply - other heritage and leisure uses are possible.

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

The grade I and II* assets are in use and not in danger; the heritage assets in the ground are in danger from the proposed housing development and not otherwise at risk

c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

These options have not been considered

d) the harm or loss is outweighed by the benefit of bringing the site back into use."

We submit that there is no public benefit in the proposed development - see below

The proposed building is clearly at odds with this character, as already discussed. The scheme causes very substantial harm to the character and appearance of the Conservation Area. Section 72 would appear to indicate refusal.

2. Less than substantial harm is not outweighed by the public good

If SBC Planners do not accept that "substantial harm" arises from this development, then Section 202 of NPPF is relevant

Section 202 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Society submits that there is no public benefit arising from this proposal

1) The site was examined for both the emerging Local Plan and the emerging Neighbourhood Plan it was rejected for housing in both appraisals

2) The emerging Local Plan and the emerging Neighbourhood Plan are both growth-oriented, and this site is not required to meet the housing targets set by the government, these are met elsewhere in and adjacent to Faversham

3) There are significant negative impacts on the public interest

a. This is the last evidence of the agricultural setting of the town and of the importance of the Abbey

b. Despoliation of a valued green lung - very evident during the pandemic and in letters submitted by residents.

c. The area is referred to on maps as the Great Field and is likely an example of a field system. "In Kent, a striking contrast was evident between the small irregularly-shaped blocks of conjoined strips of the Weald and the larger, more rectangular, examples in east Kent." This is one such example.

4) We note the Conservation Officer's quoting of our evidence. He notes that the revisions made by the applicant "does not automatically render the outline scheme acceptable from a conservation and design perspective."

3. Traffic

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- a. This development is not close to community facilities or shops. Inhabitants will be car-dependent, which in the light of climate change is not a sustainable option.
- b. The development is essentially an enclave, which does not relate functionally or socially to neighbouring parts of the town. It does not integrate with the public transport network, and will not adapt easily to environmentally sustainable modes of transport.
- c. Parts of the proposed access road - Abbey Fields is unadopted and narrow, with parking on both sides. There will be a significant loss of amenity for existing residents arising from congestion, including accident risk to pedestrians and cyclists, together with noise and pollution generated by traffic to and from the proposed development.
- d. There is only one access road, and if blocked for any reason, there would be no access for emergency vehicles.
- e. The junction on to Whitstable Road is problematic.
- f. AECOM assessed the proposed site (18/062) for the emerging Faversham Neighbourhood Plan and concluded, "Access to the site is off Abbey Fields, which is a relatively narrow road, part privately owned, with parking on both sides that may make it unsuitable for the level of development

Recent Decisions by the Planning Inspectorate have denied developers citing negative Conservation Area impacts

Appeal Ref: APP/Z1510/W/21/3267825 Land North of Station Road, Earls Colne CO6 2ER

"Given its green undeveloped nature, the site provides a pleasant open contribution to the character of this area and has a close relationship with the countryside further to the east notwithstanding the presence of the golf course."

20. The site is adjacent to Earls Colne CA, the significance of which lies in the way its range of buildings of various ages and styles reflect the historic evolution of this rural settlement. The part of the CA which lies along Station Road is primarily characterised by detached buildings with moderate spacing such that this side of Station Road has a semi-rural character and appearance. Given the undeveloped rural nature of the site, it provides a pleasant spacious setting for the CA and contributes positively to its setting.

21. The proposal would introduce a significant amount of built development, road, driveways and hardstanding that would have a significantly urbanising effect on the landscape character of the area. While future consideration of landscape could partially mitigate the loss of openness, given the scale of the development, it would result in the loss of rural character of the CA thereby diminishing its significance.

22. Meadowcroft and Station House are non-designated heritage assets, the significance of which lie in the evidence of historic vernacular architecture. Given the proximity of the site to these buildings, it lies within their settings.

Planning Balance

57. The Council are unable to demonstrate a five-year housing land supply. As discussed above, since there is only a slight housing shortfall, I attribute this matter modest weight. Paragraph 11(d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in this Framework that protect areas or assets

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of particular importance provides a clear reason for refusing the development proposed.

58. The development would result in less than substantial harm to the CA due to the urbanising effect on the rural setting of the village. In accordance with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

59. The public benefits of the proposal primarily lie in the provision of 53 dwellings including affordable housing to the local housing supply. This would include the social and economic contribution that future occupiers would provide to the local community and there would be temporary economic benefits during the construction phase. Given the limited nature of the shortfall, I consider it quite probable that this could be addressed elsewhere in the district and not in this location where there would be an adverse effect on the CA. Therefore, I attribute reduced weight to these benefits.

60. The Framework advises that great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. On this basis, the weight attributed to the benefit of the provision of 53 dwellings does not outweigh the less than substantial harm to the significance of the CA.

64. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

A similar case is reported

<https://www.planningresource.co.uk/article/1725976/multiple-harms-outweigh-need-new-homes>
Multiple harms outweigh need for new homes.

An acute deficit of homes was deemed insufficient reason to allow 60 new homes on the edge of an Essex settlement, the inspector finding the conflicts with the development plan, including heritage and other harms comfortably outweighed the benefits.

Other harms included the site's unsuitable location in open countryside, unsafe pedestrian access, inaccessibility to services and facilities, and harm to the ecological and biodiversity value of a local site of special scientific interest and national nature reserve.

These highway safety effects also influenced the inspector with respect to his assessment of the accessibility of the site.

He felt the cumulative effect of allowing developments of the scale of that proposed in locations such as the appeal site would be likely to significantly increase the number of unsustainable journeys made.

Although the inspector held the local plan was out of date because of a lack of a five-year supply of deliverable housing sites, the heritage harms he also identified to the setting of three nearby listed buildings provided a clear reason for refusing the development, and this and the other harms he identified culminated in overall conflict with the development plan and refusal of permission.