

2.4 REFERENCE NO - 16/503847/FULL		
APPLICATION PROPOSAL Alterations and part first floor and new second floor extension to provide 13 residential apartments with new residential access. New timber shop front to existing ground floor retail premises.		
ADDRESS 10 - 11 Market Street Faversham Kent ME13 7AA		
RECOMMENDATION: Approve SUBJECT TO: Views of the Environmental Health Manager and completion of a Section106 Agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is broadly in accordance with national and local planning policy		
REASON FOR REFERRAL TO COMMITTEE Town Council comments and Section 106 Agreement		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Classicus Estates AGENT Taylor Roberts Ltd
DECISION DUE DATE 16/08/16	PUBLICITY EXPIRY DATE 17/06/16	

1.0 DESCRIPTION OF SITE

- 1.01 The property is the former ‘Woolworths’ store at numbers 10 to 11 Market Street, situated within the Core Shopping Area of Faversham and within the Faversham conservation area. Since not long after the Woolworth store closed, the ground floor of the property has been used as a housewares store. The first floor has been partially used as a stockroom.
- 1.02 The configuration of the building is extremely unusual. It is single storey at the northern end, facing on to Market Street, but with a dummy front creating the impression of a floor above, but this is a false façade only. Approximately halfway along the depth of the building, a first floor is created, which runs to the rear of the building. Both the single storey and the two storey element are flat roofed. The rear of the building faces onto a service road which in turn faces the central car park in Faversham. The west elevation faces Back Lane and towards Leslie Smith Drive.
- 1.03 The roof of the two storey element houses a range of telecommunications equipment, masts, etc. There is a continuing obligation under an existing lease for the equipment to remain in situ.
- 1.04 The present building is a distinctly unsympathetic architectural example, dating from the 1960s and inserted in a somewhat unfortunate manner within the Faversham conservation area.

2.0 PROPOSAL

- 2.01 The proposal is to leave the ground floor as A1 Retail Use, but to restyle the shopfront to the building; to convert the first floor from storage to residential use to provide 8 flats; to extend same and to add a further floor to the building to provide 5 flats. This would provide space for 13 flats, of one or two bedroom configuration (8 one-bedroom, 5

two-bedroom). All of the flats would be fairly compact but still of a practical size for comfortable living.

- 2.02 The proposed change of shopfront would consist of a completely new traditionally designed shopfront, of a design which would be much more sympathetic to the conservation area. A mansard roof would top the front elevation of the proposed building, similar in design to that found on the nearby former HSBC building at no.1 Preston Street. The front elevation would be of two and a half storeys and would extend to a height of 10.9 metres.
- 2.03 To the sides, the proposed windows would overlook the existing service areas to the shop building. Although there is no question of any overlooking, a number of windows on the eastern elevation will look onto a blank wall, with one proposed window being situated 6.2 metres from that blank wall. Part of the side elevation is higher than the rear part, as the rear part of the building includes a flat roofed section on which is situated a collection of telecoms boxes and equipment which cannot be removed, as their position on the roof is part of the present lease to the building.
- 2.04 As noted above, the central Faversham car park lies to the rear of the site. Three off – road parking spaces (to serve the shop unit) are shown on the submitted drawings, to the rear of the site. Space for cycle storage is also shown to the rear of the building. Internal bin storage space is also shown at ground floor level.
- 2.05 In general, a scheme of ten properties or more would include provision for affordable housing. However, the applicant has made a case to suggest that this would make this particular proposal financially inviable. This matter is further discussed later within this report.
- 2.06 In addition to the information referred to in the previous paragraph, the application is also accompanied by a Planning Policy Statement and a Heritage Statement. These combined state that the proposal would bring an architecturally awkward building, in need of repair and redevelopment, back into an acceptable use, providing lower cost housing and maintaining and supporting the existing retail use at ground floor level, whilst presenting a significant visual improvement on the existing building, which is a prominently located building in the town centre.
- 2.07 Due to the position of the building, and its ongoing retail use at ground floor level, it would not be possible to demolish the building and re-build.
- 2.08 The Council’s Supplementary Planning Guidance entitled ‘The Conversion of Houses into Flats and Houses in Multiple Occupation’ is not strictly relevant to a proposal to create new purpose built flats but it gives good advice which appears to have been taken on board when submitting this application, particularly with reference to parking where public or on-street parking is readily available, and with regard to amenity space, which is encouraged within the SPG; Flats 2, 3, 5, 10 and 12 all would have private amenity space, and there are communal amenity spaces on some flat roofed areas of the proposed development.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Approximate Ridge Height (m)	10m (max)	12.6m (max)	+2.6m
Approximate Depth (m)	57.5m	57.5m	-

Approximate Width (m)	11m – 18.5m	11m – 18.5m	-
No. of Storeys	2	3	+1
Parking Spaces	Nil	Nil	-
No. of Residential Units	Nil	13	+13
No. of Affordable Units	Nil	Nil	-

4.0 PLANNING CONSTRAINTS

Conservation Area Faversham
Core Shopping Area

5.0 POLICY AND OTHER CONSIDERATIONS

Swale Borough Local Plan 2008: Saved Policies FAV1 (General Development Faversham Area), E1 (Development Criteria) E15 (Conservation Areas), E19 (Design Criteria), E24 (Extensions and Alterations), B1 (Existing Employment Land and Businesses), B3 (Vitality and Viability of Town Centres) and H2 (New Housing).

Bearing Fruits 2031: The Swale Borough Local Plan Main Modifications June 2016: Policies ST1 (Sustainable Development), CP4 (Requiring Good Design), CP8 (The Historic Environment), DM1 (Viability and Vitality of Town Centres), DM2(Town Centre Uses), DM8 (Affordable Housing), DM14 (Development Criteria), DM15 (New Shopfronts), DM16 (Alterations and Extensions) and DM33 (Conservation Areas).

The National Planning Policy Framework (NPPF): Paragraphs 7 (Sustainable Development), 9 (Quality of built environment), 14 (presumption in favour of sustainable development), 23 (Vitality of town centres), 49 (presumption in favour of sustainable housing development), 51 (Housing need) and 129 (Heritage Assets).

6.0 LOCAL REPRESENTATIONS

6.01 One local resident has commented on the proposal. His comments may be summarised as follows:

- Retention of retail on ground floor acceptable
- Concern over residential amenity – views out of windows over service yards
- Concern over lack of parking provision
- Concern over proposed height of south elevation (which would be three storeys in height and extend to 12 metres in height)

7.0 CONSULTATIONS

7.01 Faversham Town Council comment as follows:

'No objection in principle.

Comments:

1) The Town Council welcomes the proposed improvements to the facade on Market Street and has no objection to raising the height of this part of the building or the use of upper floors for residential accommodation.

2) The Town Council welcomes the opportunity to improve the NW facade of the building facing the NatWest Bank as this is an important approach to the town centre.

3) The area is characterised by generally 3 storey buildings in this part of Market Street and Preston Street falling to lower 1 and 2 storey buildings in the back land behind the main streets. What is effectively a third storey on that part of the building facing the NatWest Bank would disrupt that historical pattern of development.

4) *Flats facing the service yard to the SE of the rear part of the building would have poor amenity in terms of outlook and location and residential use within the service yard to the SE of the building is likely to conflict with business uses in Market Street and Preston Street.*

5) *Whilst the Town Council has no objection to the principle and welcomes residential use on upper floors within the town centre in the particular case because of the scale of the proposed development and provision of 2 bed flats it considers the development is likely to put unacceptable pressure on parking provision.*

6) *For the reasons set out above the Town Council would recommend that the number of residential units is considerably reduced to perhaps 6 or 7 and that only 1 bed flats are provided.'*

7.02 The Police Crime Prevention Design team raises no objection, subject to a condition which is included below.

7.03 Kent County Council Highways and Transportation have commented as follows:

'Although the development proposes very little on-site parking for the new residential units, it is recognised that the proposed development is located within the town centre, close to all amenities, where reliance on car ownership and use is not essential. Public car parks are close by, and parking controls are present in the surrounding roads to manage on-street parking in line with the Borough Council's town centre parking strategy. Therefore, I would not wish to raise objection to this application.'

7.04 Southern Gas Networks have advised that there are gas pipelines which run outside the perimeter of the site but not within the site itself. They have requested the inclusion of Informative (2) below.

7.05 Southern Water raises no objection, subject to conditions and informatives included below.

7.06 Developer Contribution Requests:

- KCC Contributions Team has requested contributions of £624.21 towards library funding, but have not sought contributions for education or other items for which KCC often request contributions.
- SBC's Waste Team requests a contribution of £3,480 to allow eight 1,100 litre wheeled bins to serve the entire development (four waste, four recycling)
- The Greenspaces Manager has requested contributions of £11,203.40 (£861.80 per dwelling) towards play equipment to be provided outside in the nearby swimming pool play area to meet the need arising from this scheme.
- Developer Contribution to mitigate impact on the nearby Special Protection Area would be £2,906.54 (£223.58 per dwelling)
- SBC administration fee (5% of £18,214.15) - £910.71

- Total = £19,124.86

7.07 Housing Services initially requested that five units be designated as affordable housing, but in the light of figures submitted by the developer which prove that such provision would make the scheme economically inviable, have now withdrawn this request. This issue is further discussed later in this report.

7.08 The comments of the Environmental Health Manger are awaited. I will update Members at the meeting.

8.0 APPRAISAL

- 8.01 The key issues to consider here are the principle of development; residential and visual amenity, the implications for car parking, highway safety and convenience, the development's effect on the character and appearance of the conservation area; and the question of whether provision of affordable housing units is justified or whether an exception to policy is justified on viability grounds.
- 8.02 In terms of the principle of development, the proposed development is fully in accordance with the provisions of saved Local Plan policies B1 and B3, and paragraph 23 of the National Planning Policy Framework (NPPF), in that the existing retail and employment use will be retained, thus continuing to contribute to the vitality and viability of the town centre.
- 8.03 With regard to the residential development aspect of the proposal, this part of the proposal is also acceptable in principle, providing new housing on previously developed land within the built-up area boundaries and within an extremely sustainable location. As such, I am of the opinion that the proposal is acceptable in principle, and indeed that it would enhance the level of activity and viability in this key location
- 8.04 Concerns have been raised with regard to the residential amenity of future occupiers of the flats, if permitted. As has been noted a number of the flats (namely flats 5, 7 and 9) will overlook one or other of the adjacent service yards and the building behind to the east, and one window serving flat 9 will be only a little over six metres away from a blank wall. Faversham Town Council has noted the poor visual aspect from these proposed windows. Officers have discussed the matter with the developer, his agent and architect, and they have submitted drawings which show that views from these windows is still possible, as is the provision of light and sun, and I have therefore reached the conclusion that the relationship between the existing and proposed structures is acceptable.
- 8.05 With regard to the question of visual amenity, the proposal represents an improvement to this at present very stark and uninspiring building. Clearly, the proposed shopfront and upper floors proposed above it are a massive improvement on that existing, and I would contend that the architect has done a good job with regards to design; taking a very ugly building, and much improving its design. I note concerns regarding the rear of the building, but would suggest that this is also an improvement on what is at present on site, and as such would 'preserve or enhance' the character and appearance of the conservation area, in accordance with saved policy E15 of the SBLP 2008.
- 8.06 I also note the concerns raised over the lack of parking provision, but I note that central Faversham car park is less than fifty metres away, and I accept the expert advice received from Kent Highways and Transportation which states that a lack of parking provision is acceptable in this highly sustainable location. This approach is in line with KCC's adopted guidance on car parking for residential development, namely Kent Design Guide Review: Interim Guidance Note 3: Residential Parking.
- 8.07 With regard to affordable housing provision, pre-application advice was given in regard to this application. The ten-unit threshold for affordable housing provision was in the draft of 'Bearing Fruits 2031', but was not expected to be adopted so quickly; the previous threshold for affordable housing in the SBLP 2008 was of course for fifteen units or more. With the acceptance of the figures contained within Bearing Fruits 2031 in May 2016, this figure became ten or more, with 35% of the scheme required to be affordable housing within the Faversham area; 5 homes in this case. As such, the

applicant has put together figures which demonstrate that if five of the proposed dwellings were to be required as affordable, rather than market housing, the proposal as a whole would not be economically viable (i.e. the profit margin would be less than 20%). My Officers and I have studied these figures at some length, and conclude that the case has been compellingly made in this instance. That conclusion has been discussed with Housing Services who confirm that they would raise no objection to the lack of affordable housing within the proposal.

- 8.08 It should further be noted that all of the proposed flats are relatively small, and, whilst not falling with the planning criteria for 'affordable homes' it should be noted that such relatively inexpensive properties would be more affordable for first time buyers, etc. As such, it could be argued that an element of 'affordability' is still contained within the proposal.

9.0 CONCLUSION

- 9.01 Taking into account all of the above, I am of the opinion that the renovation and improvement of the existing retail site, together with the provision of thirteen smaller, more affordable housing units within a sustainable location would significantly enhance this prominent town centre location, and the benefits would outweigh any concerns raised. I consider that the concerns raised by the Town Council and the one objector do not amount to reasons sufficient for the application to be refused. I therefore recommend that the proposal be approved, subject to conformity with the conditions listed below and the completion of a satisfactory Section 106 Agreement for the developer contributions outlined above.

- 10.0 RECOMMENDATION – GRANT** Subject to the following conditions and the signing of the Section 106 Agreement:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in complete accordance with the following approved drawings: 16-04-10 Rev B; 16-04-11 Rev B; 16-04-12 Rev C; 16-04-13; 16-04-14- Rev B; 16-04-15 Rev A; 16-04-16; 16-04-18; and 16-04-19

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development, and to ensure that these details are correct before development commences.

- (4) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, and to ensure that these details are correct before development commences.

- (5) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reason: In the interests of residential amenity, and to ensure that these details are correct before development commences.

- (6) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (7) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies; and to ensure that these details are correct before development commences.

- (8) Detailed drawings at a suggested scale of 1:5 of all new external joinery work and fittings together with sections through glazing bars, frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the conservation area, and to ensure that these details are correct before development commences.

- (9) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety and to ensure that these details are correct before development commences.

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW, (Tel: 0330 303 0119 or www.southernwater.co.uk).
- (2) Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Council's Approach to the Application

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- o Where possible, suggesting solutions to secure a successful outcome.
- o As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this case the application was approved following the submission of additional information received on 8th September 2016.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.