

2.5 REFERENCE NO - 18/501494/FULL			
APPLICATION PROPOSAL Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.			
ADDRESS St Saviours Church Whitstable Road Faversham ME13 8BD			
RECOMMENDATION Subject to the further views of the Environmental Health Manager.			
REASON FOR REFERRAL TO COMMITTEE Town Council Objection; Local Objections; Call-in by Cllr Bryan Mulhern			
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mrs Romana Bellinger	
DECISION DUE DATE 30/05/18	PUBLICITY EXPIRY DATE 11/05/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/502638/FULL & 14/502639/LBC	Residential use of rear part of building, and artist's studio in the main building	Approved	31/03/2015

1.0 DESCRIPTION OF SITE

- 1.01 The property is a late C19 'tin' church, a type of building now increasingly rare to find; as such, the building is Grade II listed. The building is situated on Whitstable Road, opposite the Faversham Recreation Ground, within the established built-up area boundary and within the Faversham conservation area.
- 1.02 The building consists of the church itself, and an extension to the rear, also in 'tin' and dating to the 1920s. The rear extension is in residential use, with the main body of the church being an artist's studio. The building is in a reasonable state of repair when considering its age and method of construction, but does suffer from damp, which has serious implication to the metallic nature of its construction. The building is not in the 'At Risk' category but works to arrest its decline are necessary.
- 1.03 The building was for many years used as a joinery workshop, but since 2014 it has been used as an artist's studio with residential use at the rear

2.0 PROPOSAL

- 2.01 The proposal refers to the main body of the church and is for a change of use of the church to re-instate its previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.
- 2.02 It should be noted that this is a planning application only for a change of use; the applicant informs me that a listed building consent application for internal works and internal and external repairs is in preparation.
- 2.03 The proposal in its essence is explained in a statement from the applicant which accompanies the application. It proposes a community 'hub', where drinks and food are available in a café style setting; where local artists may display their work; where cultural and historic talks to small audiences may be given, and as a general place

where the local community may meet. Proposed opening hours are 8.00am to 11.00pm seven days a week.

2.04 The proposal is accompanied by a combined Design and Access Statement and Heritage Statement, and a Planning Statement.

2.05 A licensing application has also been made to the Council under the appropriate legislation. It appears that this application may have caused some confusion, as one of the sections on this form states that the proposal is for the use of 'up to 500 people' for events. That is a statutory category on that form, but a number of residents have taken that to mean that the venue may be holding events for five hundred people. The applicant points out that the building is not physically capable of holding such large events, due to its modest size, and no such intention exists.

3.0 PLANNING CONSTRAINTS

Grade II Listed Building

Conservation Area Faversham

Environment Agency Flood Zone 3

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraph 7 (Sustainable Development); Paragraph 14 (Presumption in favour of sustainable development); Paragraph 70 (Social, recreational and cultural facilities), Paragraph 131 (Viable use of heritage assets); Paragraph 132 (Protecting heritage assets)

Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP1 (Building a strong economy); CP6 (Community facilities to meet local needs); CP8 (The historic environment) DM1 (Maintaining and enhancing the viability of town centres and other areas); DM14 (General development criteria); DM16 (Alterations); DM32 (Listed buildings); DM33 (Conservation areas)

5.0 LOCAL REPRESENTATIONS

5.01 The Faversham Society objects to the proposal, for reasons similar to those expressed by the Town Council (see below).

5.02 Seven letters and emails of objection have been received from local residents mostly living close to the site. Their comments may be summarised as follows:

- Site location plan is obsolete: does not show three new houses directly to the west
- One fire exit goes through attached dwelling
- Requires listed building consent
- Alterations have already begun
- Litter and vermin from proposed use
- No waste proposals
- Fire escapes inadequate
- Will presumably require air conditioning, CCTV and security lighting
- I have emailed my objections to the licensing department
- Narrow alleyway for fire escape

- No insulation, sound proofing or fire proofing
- I can already hear sounds from within when putting out my bins
- *'For music to be potentially played from 8am till 11pm 7 days a week will blight the lives of the local residents, especially those with young children and shift workers. It is in the same grounds as Sanctuary Sheltered housing flats. Which houses vulnerable adults. I believe some are trying to stay off of drink and drugs, some are mentally ill and there have been ladies who are in a safe and secure place due to abusive relationships. Having a licensed music venue next door would draw attention to this building and its residents'*
- No off-street parking at a site on a busy junction
- *'There is no outside space to house smokers and I believe one toilet. This could cause a litter issue and perhaps men urinating on the pavements.'*
- *'We already have a shop which sells alcohol nearby and a pub which puts on live music'*

5.03 Fifteen letters and emails of support have been received from local residents. Their contents may be summarised as follows:

- As the previous owner of the building, I also held small arts events at the venue, with no detriment to local community
- The use will help fund repairs to the building
- New owners have experience of events management and production
- Likely to be local people using the venue, so no traffic or parking issues
- The applicants' *'approach is focussed on supporting local artists, local musicians, local food producers, local crafts etc. and overall, giving quality and individuality priority over commercial gain.'*
- *'Many objectors have followed the local press in making much of the theoretical limits of the license application form (8am-11pm 7 days / week for 500 people) as if they represented the actual hours and numbers intended by the applicants. In practice the average weekly opening hours will be very much lower, will be determined by the type of event on any given day, and the building capacity runs nowhere near 500, and will probably be limited to under 100 anyway by the Fire Authority. I feel it's highly unlikely that any events they host there will prove a nuisance to surrounding residents in practice, as their interest and background is based far more in the field of film and the arts than in the sale of alcohol; that would simply be an adjunct to its main purpose as a community arts centre.'*
- No similar venues in Faversham; this will be an asset to the town
- *'Arts, culture, creativity and food are proven generators of community cohesion and engagement. Participating in arts and culture is proven to be incredibly beneficial for health and wellbeing (see the All Party Parliamentary group for Arts, Health and Wellbeing for information on this). Arts and culture contribute hugely to the local and national economy (see the Creative Industries Federation for data on this) and to placemaking (see the TCPA website for guidance on this). Faversham as a town is known for arts, culture and heritage; they are why people chose to live and visit here. The more opportunities for residents to engage in these things, the better for the town, its people, their wellbeing and the local economy'*
- Will not produce ant-social behaviour
- Will be a parent and child friendly destination
- *'It is vital that the local community had a space of this type where the arts can be appreciated, and hope to inspire some of our younger generation, and what better space than one of the most iconic buildings in Faversham?'*

- St. Saviour's is an excellent example of a Tin Tabernacle and is very much worthy of being restored as there are very few left in the country
- *'Faversham is full of pubs in which people can drink and be loud. In my view this venue is very unlikely to attract an antisocial clientele. While it is clearly unsuitable for putting on loud concerts, it would be well suited for programmes of chamber music, jazz, spoken word etc. Artistic expression and performance can contribute to a loving sensibility which is reflected back into the wider community'*
- The owners are intending to use this community building in a way which benefits the community - its original intended use.
- *'I understand neighbours anxiety but it would be nice to give it a chance - any issues that arose would be dealt with and the licence is revokable in the worst-case scenario. The owners have demonstrated that they want to work closely with neighbours to ensure no disturbance.'*

6.0 CONSULTATIONS

- 6.01 Faversham Town Council recommends refusal of the proposal. Their comments are as follows:

'Recommendation: Object Reasons: 1) The building is in the wrong location for the proposed activities 2) Site plan does not show all neighbouring properties 3) The neighbouring properties are home to vulnerable people 4) Lack of Planning information 5) Acoustic Survey required 6) Design Access Statement required 7) Listed Building Consent required 8) Inadequate fire safety assessment.'

- 6.02 The Environmental Health Manager raises no objection to the application subject to a condition requiring an acoustic survey, and one requiring no amplified music to be played on the site. I share his concerns, but at present I am not absolutely sure about the likely implications of the proposed use on the amenities of neighbours, and what implications there might be (in turn) on the need to insulate this lightweight building against noise which might have implications for the character or historic interest of the listed building. As such, I am still considering this matter with the Environmental Health Manager and I hope to report further at the meeting.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Design and Access Statement and Heritage Statement; Planning Statement.

8.0 APPRAISAL

- 8.01 The main issues to consider are those of residential amenity; the future of this rare listed building; and the perceived need for such a venue. For the sake of regularity, I will address each in turn.
- 8.02 In terms of residential amenity, I do understand the concerns of local residents that the building could be used for up to 500 people, but I am of the opinion that these concerns mainly stem from the unfortunate wording on the applicants' licensing application form. However, a mere cursory inspection of even the exterior of the building would confirm that this relatively small building could not even begin to accommodate anything near that number of people.
- 8.03 In my estimation, anything more than ninety people would be distinctly uncomfortable, and it is certain that the Fire Brigade will impose suitable restrictions

on the number of people using the premises at any one time before a Fire Certificate is issued. Similarly, the concerns over fire exits, etc, which are not planning matters, would be assessed by the Fire Brigade, and a certificate would be refused if found to be inadequate.

- 8.04 It should also be noted that, prior to submitting the present planning application, the applicant instituted a leaflet drop to immediate neighbours, informing them of her intentions and inviting them to come and view the property and discuss any issues of concern.
- 8.05 With the type of venue which is being proposed, I believe that there is little likelihood of anti-social behaviour emanating from the venue. A small venue, outside the immediate town centre, offering refreshments, cultural events and arts offerings is unlikely to appeal to those of an unruly disposition. It is likely to appeal to quiet, cultural people, parents with their young children, and older people who might appreciate the opportunity of going somewhere for tea, cake and a chat with friends. However, to protect the residential amenity of neighbours, I am considering the likely noise implications of such a use with the Environmental Health Manager, and I hope to report further on this matter at the meeting.
- 8.06 With regard to parking and highway issues, I am of the opinion that most of the clientele would be Faversham residents, who would be likely to walk to the venue. As such, I would contend that the proposal, if approved, would have little or no effect on parking issues of highway safety.
- 8.07 Turning to the issues surrounding the listed building and the conservation area, it cannot be denied that work is needed to repair and restore the building. The uses applied for would ensure a small but steady funding stream which would pay for these works; as such, the proposal is in accordance with Paragraph 131 of the NPPF and Policy DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 8.08 With regard to the ‘need’ for such a facility, I would contend that this is a sensible place for a community facility. The western end of the town has the vastly popular West Faversham Community Centre; the central area boasts the facilities of the town centre, but to the east, there is nowhere which really offers such facilities. As such, the proposed use, if approved, would provide a welcome centre for the immediate community; a venue for the arts; and a non-pub-like place for people to meet.
- 8.09 Paragraph 70 of the NPPF clearly states that: *‘To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments’*

9.0 CONCLUSION

- 9.01 I am of the opinion that this proposal will bring a much-needed community facility to this part of Faversham and subject to discussing the amenity issues with the Environmental Health Manager, I recommend that it be approved, subject to strict conformity with conditions included below.

10.0 RECOMMENDATION – GRANT Subject to the following 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) Details of any mechanical ventilation system that is to be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity.

- (3) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (4) The premises shall be used for the purpose of a community café and arts centre and for no other purpose, including any other purpose within the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

- (5) The use of the premises hereby permitted shall be restricted to the hours of 8 am to 11pm, seven days a week.

Reason: In the interests of the amenities of the area.

- (6) Conditions to be recommended by the Environmental Health Manager in respect of noise issues and the possible implications for the amenities of neighbours.

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:

Offering pre-application advice

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

