

2.5 REFERENCE NO - 18/503140/FULL			
APPLICATION PROPOSAL			
Conversion of existing ground floor store with room above to create 1 bed flat. Conversion and extension of existing ground floor store into 1 bedroom flat and erection of a single store above to provide 1 bedroom flat. Erection of a first floor extension above the retail space to provide 2 bedroom flat.			
ADDRESS 9 Whitstable Road Faversham Kent ME13 8BE			
RECOMMENDATION – Grant subject to conditions			
REASON FOR REFERRAL TO COMMITTEE – Town Council objection			
SUMMARY OF REASONS FOR RECOMMENDATION:			
Proposal is in accordance with national and local planning policy			
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr S Baines AGENT Olson Design Group	
DECISION DUE DATE 27/08/18	PUBLICITY EXPIRY DATE 03/08/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/12/1003	Lawful Development Certificate for change of use from A3 to A1	Granted	10/09/2012

1.0 DESCRIPTION OF SITE

- 1.01 The property is a prominent traditionally designed building which for many years was a public house, later a restaurant, and it is now a small convenience store. It is situated on the corner of Whitstable Road and Westgate Road, within the Faversham conservation area and within the built-up area boundary of Faversham. The building is situated outside the town centre, which is less than a five minute walk away.
- 1.02 The property is situated on a bus route, and the railway station is a less than a ten minute walk away. The surrounding streets are mainly categorised by late C19/early C20 terraced houses, with the majority of parking provision being on-street. The site is surrounded by residential dwellings, and the Faversham Recreation Ground is situated on the opposite side of Whitstable Road.
- 1.03 The property has a small inner courtyard, accessed by a pair of gates leading from Whitstable Road. The property is quite complicated in its layout; the main body of the property is two storey, and has two single storey ‘wings’; one fronting onto Westgate Road, and one fronting on to Whitstable Road. In the north-eastern corner of the inner courtyard is a separate two storey outbuilding/storeroom.
- 1.04 The main part of the building is in painted brickwork under a slate roof, with two brick faced single storey wings. The southern wing fronting Whitstable Rd has a flat roof behind a parapet wall. To the Westgate Rd side there are two stepped slate roofs. There is an existing flat above the shop and a one bedroom/studio flat at first floor level within the separate outbuilding

2.0 PROPOSAL

- 2.01 The proposal is to extend the property at first floor level to the site boundaries above, beyond and behind existing single storey wings on both road frontages. This will provide two 1 bedroom flats facing Westgate Road (one on each floor) and a 2 bedroom flat facing Whitstable Road above the shop area and access to the internal courtyard. It is also proposed to convert the ground floor storage area of the existing storage outbuilding within the courtyard to create a two storey 1 bedroom house within the outbuilding. The conversions will require mainly first floor extensions to the building, but also enlarging the footprint of the building and carrying out internal changes to the layout.
- 2.02 The ground floor windows are timber with lintel, cill and moulded vertical mullions to the principal windows and sash/casement windows to the West Elevation. At first floor level, some of the windows are uPVC double glazed windows. These have recently replaced existing timber sash windows and this work has been carried out without planning permission. However, Enforcement Officers have discussed this matter with the applicant, who is prepared to replace these with timber windows as part of this development.
- 2.03 The proposed first floor extensions will be in matching facing brick painted with timber sash windows. There will be eaves brackets to complement the existing details with slate roofs which will be lower levels than the principal roof on both the south and west elevations. The roofs will be at the same pitch as the existing roof. To the rear of the extensions there will be flat roofs which will be finished in single ply material in a lead-like dark grey colour.
- 2.04 Existing access to the internal courtyard and outbuilding is via the side gate on the east side of the premises. Flats would be accessed by the existing side door on Westgate Rd and from within the courtyard. No vehicle parking is proposed on site.
- 2.05 The design has considered overlooking within the courtyard area by the use of high level windows and window positioning, and the proposed extension and conversion would be in accordance with Nationally Described Space Standards (NDSS) March 2015 Technical Housing Standards and the flats will more than meet the Council's own published guidance on flat sizes.
- 2.06 The application is supported by a Design and Access Statement, a report on the structural integrity of the building regarding adding first floors, and a Heritage Impact Statement.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Parking Spaces	Nil	Nil	-
No. of Residential Units	2	5	+3

4.0 PLANNING CONSTRAINTS

Conservation Area Faversham
 Approximately 50 metres outside flood Zone 3

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraphs 8 (Sustainable Development); 71 (Providing entry-level homes); 118 (Making effective use of land); 127 (Appropriate Design); and paragraphs 193 and 196 (Conservation Areas)

Bearing Fruits 2031: The Swale Borough Local Plan 2018 - Policies ST1 (Delivering Sustainable Development); ST3 (Settlement Strategy); ST7 (The Faversham area and Kent Downs Strategy); CP1 (Economy); CP3 (Delivering a wide choice of quality homes); CP4 (Good Design); CP8 (Conserving the historic environment); DM7 (Vehicle Parking); DM14 (General Development Criteria); DM16 (Alterations and Extensions); and DM33 (Conservation Areas)

6.0 LOCAL REPRESENTATIONS

6.01 The Faversham Society recommends approval, noting that;

'This application is welcomed because it will provide additional residential units which would comply with the nationally defined space standards. The extension to the building on the Whitstable Road side and the Westgate Road side represent a substantial improvement compared with the existing appearance and would enhance the character of the Conservation Area.'

6.02 One email of objection has been received from the occupier of a local business. Those comments may be summarised as follows:

- Parking around this area is already hideous with most residents forced to park many streets away from their dwellings as it is.
- *'I own the offices next to this property. I have off-road parking for one vehicle. At 5:30pm when my offices are unoccupied there is a mad scramble from the local residents to park in my space and also the space in front of my off road space, even the shop owner has been known to park in my space as he has nowhere to park. And you want to add a further 4 flats.....get a grip!'*

7.0 CONSULTATIONS

7.01 Faversham Town Council objects to the proposal for the following reasons:

- 1) Lack of parking*
- 2) Over excessive development in the area*
- 3) Over intensive development of the site*
- 4) Loss of retail storage which could affect the premises in the future'*

7.02 The Council's Engineering Manager has commented as follows:;

'There are double yellow lines around the junction of Whitstable Road and Westgate Road acting as corner protection, and these restrictions continue up the east side of Westgate Road to the junction of Minster Road. With a large number of surrounding terraced properties and the parking restrictions in place, there is a high demand for the limited on-street parking capacity available and ideally any new development in the area should accommodate off-street parking whenever possible.'

8.0 APPRAISAL

- 8.01 The main issues to consider in this case are those of the effect of the proposal on the amenities of the area, the character of the conservation area, the street scene and parking issues. For the sake of regularity, I will consider each issue in turn.
- 8.02 In terms of visual amenity, and the effect of the proposal on the conservation area and street scene, I note the proposed use of traditional forms, fenestration and facing materials which helps the design fit the context. The enclosure of the streetscene at first floor level will continue and enhance the terraced nature of the area. The adjoining properties have blank walls to the sides so the new first floor additions should not adversely affect their amenities. I also note that the proposed extensions would be lower than the existing roof ridge, and thus subservient to the host building which will mean that the main building will retain some prominence and the roofline will be less monolithic. .
- 8.03 With regard to the effect of the proposal on the character of the conservation area, the proposed design is an improvement upon the existing flat roofed extension fronting Whitstable Road, and although it's visual impact would be greater than at present, that impact would not be visually negative. As such, I do not believe that the proposal would harm the character and appearance of the conservation area. The replacement of uPVC windows will be a welcome enhancement to the building's appearance.
- 8.04 I note the Town Council's concerns over the loss of the storage areas. The applicant has responded to those concerns as follows:

'It has come to my attention that Faversham Council has raised concerns about the possible loss of storage space should our proposed application proceed. I would like emphasise that the business holds very little stock in storage at any stage – we receive 5 chilled (fresh) and 3 ambient (grocery) deliveries per week. This enables us to work an efficient model whereby we hold very little stock whether in stock rooms or in reserve chillers. 95% of our delivered products are placed immediately on to our shelves.

The overfill product - almost entirely soft drinks - is then placed in storage to replenish stock when sold. This product can be held safely and plentifully in our remaining storage space which includes our office space and our outdoor storage area. We have more than sufficient space available at the site to ensure all products can be stored securely and safely.

Looking forward, we are hopeful that our suppliers new supply partnership with Coop will allow for us to receive 6 chilled and 4 ambient deliveries, further decreasing our need for large stock holding space.'

- 8.05 I note the objections received from the Town Council and the local resident regarding the lack of parking for the proposed properties. Members will note that the Council's Engineering Manager does not raise objection to the proposal. I have also discussed the matter of parking with the applicant, who has replied as follows:

'I confirm I have looked into the possibility of parking on the site. For the following reasons, this has been ruled out -

- *A 2.4 x 4.8 parking space would make access to the courtyard area very difficult, even if the cycle stores were located elsewhere.*

- *Parking on the white line outside the dropped kerb would be possible, but unofficial, on first come basis so it could not be allocated.*
- *The proposal is for persons who would not have the need for parking because the site is on sustainable transport systems.'*

8.06 I would agree with the contention that on-street parking is at something of a premium in the area, but I also note that the location of the site is in a very sustainable position close to the town centre and all its amenities. Usual practise with new development generally entails some form of off-road parking space to be required. However, parking standards in Kent Highways and Transportation's Interim Guidance Note 3 (IGN3) states that in town centre or edge of centre locations a *maximum* of one parking space per dwelling for one or two bedroom flats should be provided, suggesting that on a site in close proximity to the town centre, with all its associated amenities and public transport, a scheme with no off-road parking is acceptable in principle. In terms of Local Plan policies, policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan states that *'Until such time as a local Swale Borough Supplementary Planning Document (SPD) can be adopted, the Council will continue to apply extant Kent County Council vehicle parking standards to new development proposals.'* The preamble to policy DM7 also states in paragraph 7.2.16 *'Car parking issues for Swale are locally generated ones. The development strategy of the plan seeks to locate new development at settlements where services and facilities are close by and where there is reasonable access to public transport or it can be enhanced, thus reducing the need to travel and offering alternatives to the car and therefore parking.'* Whilst I can appreciate that some may feel this situation to be less than ideal, it is within policy terms, and it would be difficult to refuse the scheme for this reason.

8.07 A similar situation was considered in 2009 in relation to a scheme in Thomas Road, Sittingbourne, under planning reference SW/09/0214, when a scheme for eight flats with only six car parking spaces was refused by the Planning Committee, with a lack of off-road parking being a main reason for refusal. The applicant appealed the decision under reference APP/V2255/A/09/2109858. The appeal was dismissed, but the Inspector ruled that parking issues were not an adequate reason for refusal, noting that;

'I appreciate that the surrounding streets are subject to heavy on-street parking. Notwithstanding this, in terms of public transport this is an accessible site, within walking distance of the town centre and its use need not be dependent on the use of the private car.'

It should also be noted that an appeal for costs was likewise made and, despite the planning appeal being lost by the appellant for other reasons, the Inspector decided that parking issues were not a justifiable reason for refusal in this area (a site further away from Sittingbourne town centre than the current site's position is from Faversham town centre), and the Inspector awarded costs against the Council. In view of the above, whilst I note there are concerns raised with regard to the lack of parking, I would contend that it is not reasonable to refuse the scheme on these grounds.

8.08 The present scheme would provide four small self-contained dwellings. Paragraph 71 of the National Planning Policy Framework (NPPF) 2018 states that *'Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home)'*. I believe that tis is such a scheme. Policy CP3 of Bearing Fruits 2031: The Swale Borough Local Plan 2018

promotes the delivery of a wide choice of quality homes and requires meeting the housing needs of specific groups; in this case, these small units for rent would create units for either young or older people; two social groups who might find difficulty in finding more affordable private rent housing within the centre of Faversham.

The Conservation of Habitats and Species Regulations 2017

- 8.09 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.10 Residential development within 6km of any access point to the SPA has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Modifications stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA on developments of 10 or more units, as ultimately agreed by the North Kent Environmental Planning Group and Natural England). These mitigation measures are considered to be ecologically sound.
- 8.11 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.12 In this regard, there are likely to be impacts upon the SPA arising from this development and whilst the Council would expect the need for mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff only on larger schemes (at £301 per dwelling unit to be collected via a Section 106 Agreement) and not from small developments like this.

9.0 CONCLUSION

- 9.01 This is an imaginative adaptation of an existing well located site for small housing units with no harmful visual or amenity impacts. Lack of parking is the only downside to the scheme and this is within policy guidance for such a well located site. Moreover there are few equivalent sites where such a scheme could be repeated locally. As the benefits of the scheme far outweigh any potential harm, I recommend that the proposal be approved, subject to the conditions noted below.

- 10.0 RECOMMENDATION – GRANT** Subject to the following conditions:

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 strict conformity with the following approved drawings:

513-20 Rev C; 513-21 Rev B; 513-22 Rev B; 513-23 Rev B; 513-24 Rev B; and 513-25 Rev B.

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

- (3) The new flats shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and these flats shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- (4) All external facing materials used in the development hereby permitted shall be in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (5) 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.

- (6) All external joinery work used in the development hereby permitted shall be in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (7) No flat hereby approved shall be occupied until the first floor uPVC windows in the building have been replaced with timber sash windows to a specification approved in writing by the Local Planning Authority.

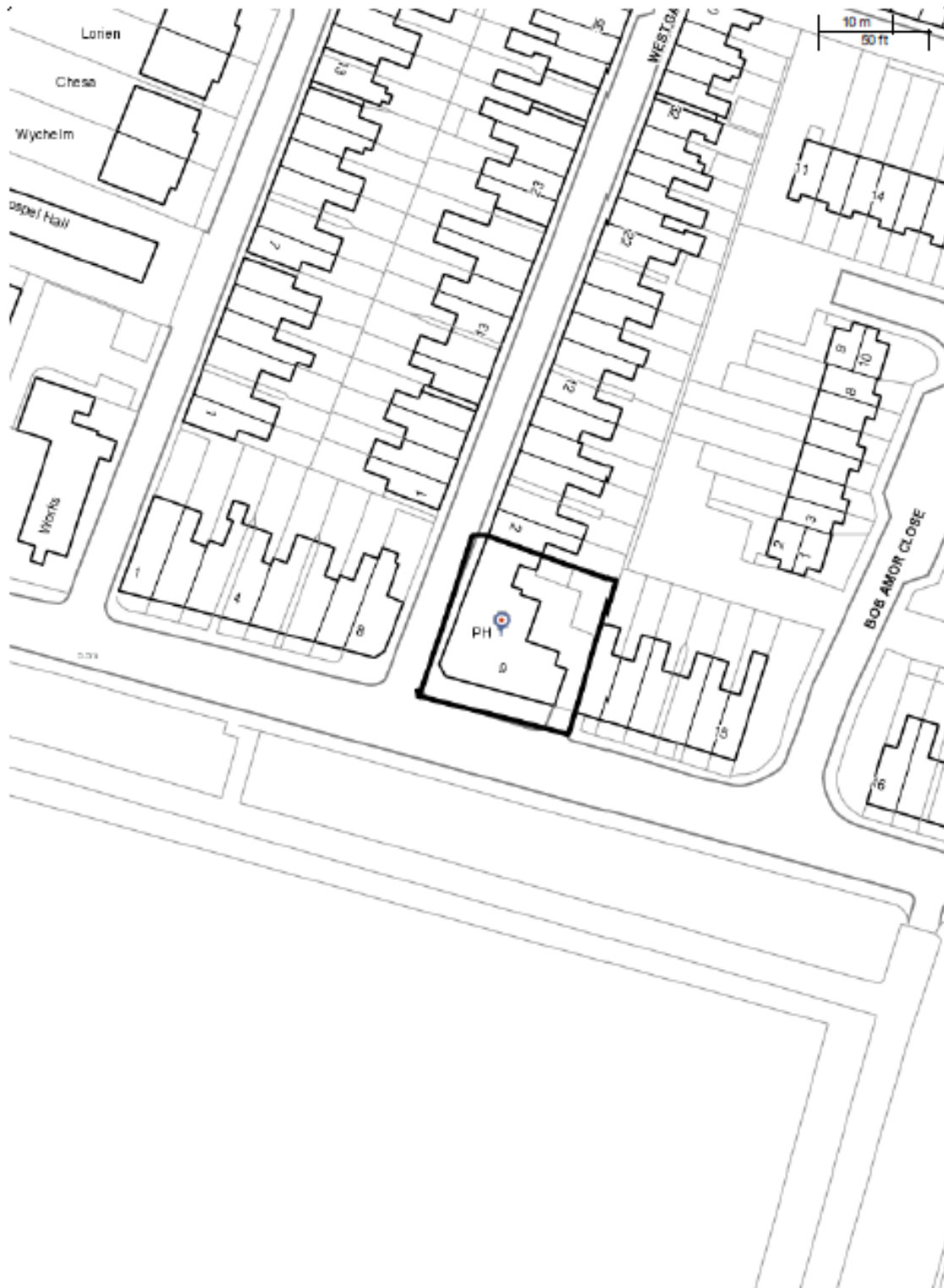
Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

Council's Approach to the Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018, the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was submitted to the Planning Committee, where the applicant/agent had the opportunity to promote the proposal.

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.



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