

2.3 14/501476/FULL and 14/501477/LBC		Faversham	
APPLICATION PROPOSAL			
Internal alterations to provide first floor kitchen and shower room plus new staircase, replacement windows to match existing. Small window to north east elevation to be lowered as amended by drawing 510/04A.			
ADDRESS Baltic House Standard Quay Faversham Kent ME13 7BS			
RECOMMENDATION Grant planning permission and listed building consent			
REASON FOR REFERRAL TO COMMITTEE			
Local Objections.			
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Mrs Janis Osborn AGENT Design And Build Services	
DECISION DUE DATE 28/08/14	PUBLICITY EXPIRY DATE 28/08/14	OFFICER SITE VISIT DATE 02/09/2014	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
SW/13/1243 and SW/13/1244	Planning permission and listed building consent for change of use of building from office to wine bar and associated staff accommodation above	Approved	19.02.2014

DESCRIPTION OF SITE

- 1.01 Baltic House is situated on Standard Quay, which is located at the end of Abbey Street, Faversham.
- 1.02 It is a small, two-storey building, dating approximately from the 1840s, and built originally, it seems, as a port office or customs house. It is finished in white weatherboarding, and is grade II listed. Baltic House sits adjacent to Faversham Creek on Standard Quay, surrounded by other grade II listed Buildings and the building known as 'The Granary', which has a grade II* listing. The site is also situated within the Faversham conservation area, and a public right of way runs alongside the building.
- 1.03 Members may remember that in February 2014, a retrospective application to change the use of the building from an office to a wine bar, with ancillary staff accommodation above, was approved, subject to conditions relating to a number of matters, including the use of the accommodation above to ensure that it would be for ancillary staff use only. The layout and provision of services within the first floor further ensured that this would be the case: the

kitchen was very small and, whilst there was a shower facility on the first floor, the only toilet to the building remained on the ground floor.

- 1.04 Standard Quay functioned as a busy wharf until relatively recently. It has since received various permissions for other uses, but these have generally respected the history and historic character of the Quay, with some traditional crafts associated with the original use of the Quay still being practiced, albeit on a smaller scale than before.

2.0 PROPOSAL

- 2.01 The present application is for the replacement of a number of windows, like for like; the repositioning (lower down) of a small window facing the Creekside; the removal and repositioning of the internal staircase; and the reconfiguration of the first floor layout to provide a kitchen and shower room. With the exception of the repositioned window and the replacement windows, these proposals would be internal. The planning application is therefore simply for some physical changes to the building and does not relate to the use of the building.
- 2.02 The proposal would create a larger kitchen and a second w.c. and wash hand basin added to the shower already in situ on the first floor.
- 2.03 Although the replacement windows are noted as being 'like for like', no detailed drawings of same have been submitted.
- 2.03 The application is accompanied by a Design & Access Statement which includes a Flood Risk Assessment and a Heritage Statement. In response to local representations the applicant has since clarified that it is not intended that the works will form a self-contained flat, and that the drawings clearly indicate that the first floor accommodation cannot be used separately from the wine bar.

3.0 PLANNING CONSTRAINTS

Grade II listed building

Faversham conservation area

Public Right of Way running alongside building

Environment Agency Flood Zone 3

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) – Paragraphs 131 and 134
- 4.02 Swale Borough Local Plan 2008 – Policies E1 (General Criteria); E14 (Listed Buildings); E15 (Conservation Areas); E19 (Achieving High Quality Design and Distinctiveness); and AAP2 (Area Action Plan for Faversham Creekside).

- 4.03 The site falls within the boundaries of the Faversham Creek Neighbourhood Plan. The Faversham Creek DPD grew out of the Swale Borough Local Plan 2008 Policy AAP2 and subsequently became an emerging Neighbourhood Plan through the Government Vanguard initiative. Faversham Town Council is now leading production on the plan. The Neighbourhood Plan Steering Group has published their draft Neighbourhood Plan this summer. It will now be subject to consultation and an Examination, then a public referendum and if it passes all of these stages it is expected that it will be adopted during early 2015.

The Faversham Creek Neighbourhood Plan Steering Group have met with key landowners to discuss their proposals, commissioned and consulted on a Streetscape Strategy and started to formulate their ideas for the development of sites around the creek.

The Council's consultant, Tony Fullwood's report '*Developing proposals and future planning policy to deliver regeneration of the Faversham creek area*' was published in November 2010 for consultation and comments on its contents were received by the Council. In this report the Standard Quay site is described as a development opportunity. It states that sites at Standard Quay could "*provide employment opportunities and could add to the tourism offer of the town as advocated in Faversham Area Tourism Development, 2005. The provision of mooring posts for major boat repairs together with workshop space for boat repair and apprentices is essential to protect the maritime activities which are an important part of the historic character of this part of the conservation area. The cluster of listed buildings at the centre of Standard Quay should be retained and restored. Given the location of these buildings within the functional floodplain, and the historic association of this area with the Creek, it is proposed that the ground floor should comprise workshop space including boat related activity. In addition, small scale retail and restaurant uses would be acceptable in helping to improve the tourist offer. The limitations of adapting the listed buildings and the need to protect the amenity of residents from the impacts of the ground floor industrial uses means that it is unlikely that residential development would be suitable . All proposals would be subject to a Flood Risk Assessment.*"

The Neighbourhood Plan is not yet agreed and at this point I do not consider that its potential impact can be afforded any isgnificant weight.

5.0 LOCAL REPRESENTATIONS

- 5.01 The Faversham Creek Trust has objected to the application and refer to conflict with policy AAP2 of the Local Plan for Faversham Creek and policies E14, E15 and E19 mainly in relation to the element of residential development that the application implies. The Trust also argue that the proposals conflict with the NPPF which requires great weight to be given to the conservation of designated heritage assets including listed buildings and conservation areas. It is noted that the original wine bar application suggested that no building works were necessary (yet works have already been carried out without

permission) and the proposed works will be harmful to the significance and special interest of this group of buildings and their contribution to the character of the conservation area as it would encourage residential use of the building by effectively creating a self-contained apartment. The Trust express surprise that residential use was ever permitted, but suggest that as its use is restricted and cannot be permanent there is no need for first floor sanitary facilities or re-siting of the staircase. They complain of lack of detailed drawings or a report from the conservation officer in the application. They refer to the original recognition form the applicant that space was limited in the building and note that this has resulted in business regularly spilling out on to the quayside contrary to a planning condition. Finally the Trust see it as unreasonable to permit cumulative changes to a listed building in order to facilitate a short term use for which the building is not suited, referring the recent appeal decision at Building 1 nearby where the Inspector foresaw incremental damage harming the significance of the listed building.

5.02 The Brents Community Association objects to the proposals for 6 reasons which are, in summary;

- The original change of use indicated no need for alterations to the building, this was misleading
- Large signs have been attached to the building and have tables and chairs outside contrary to the original permission
- There are no detailed drawings for the proposed works
- The inspector at building 1 referred to incremental damage – the same now applies here
- The proposals contravene policy AAP2 which restricts residential development
- Listed building and conservation area regulations must be adhered to by all, and this applicant must be scrutinised as much as anybody else's

5.03 Seventeen letters and emails of objection have been received from local residents. The comments contained therein may be summarised as follows:

- Other unauthorised (drainage) works to the Listed Building have been carried out, to what standard we do not know, and approval would encourage further works without consent
- Building was used for quayside purposes until 2011 and is too small for the business
- *'Creeping insertion of residential use'*
- Problems with drainage
- Insufficient detail in the application regarding then impact on the importance of the listed building, making it difficult for members of the public to properly comment on the significance of the proposals
- It is not clear whether the change of window will be detrimental to the appearance and integrity of the building
- Use as a dwelling contrary to policy AAP2 which states that residential development will not be permitted in the Creekside area

- Contrary to the NPPF which requires great weight to be given to the conservation of designated heritage assets and their settings
- Would set an unwelcome precedent for housing on Standard Quay
- Would create a dwelling in a building never intended for residential occupation
- Physical changes to building harmful and the same objections apply that the Inspector at the Building 1 appeal identified. They will persist long after the wine bar use ceases
- Adverts and external seating have eroded the industrial character of the quayside area
- *'The claim of the equivalent of eight full time jobs is wildly optimistic'*
- Why does such a small business require staff accommodation?
- *'The erosion of Standard Quay as a centre of maritime history will continue'*
- Within a flood zone
- The complex of buildings is of highest national historic importance
- *'The original application for change of use to a wine bar (SW/13/1243) stated explicitly that no building works were required. This was fundamental to the SBC Planning Department's decision to reluctantly accept the change of use.'* The proposal now is to add food to the business offer which will exaggerate the already obvious limitations of the building
- Tables and chairs set outside during summer, in direct contravention of the condition imposed on the original permission
- *'With the best will in the world, it might be better for the business to seek more suitable premises in a more suitable location, rather than spoiling a listed building by trying to make it into something it was never meant to be.'*

5.04 One email of support has been received from a local resident. The comments contained therein may be summarised as follows:

- The application is an obvious progression for this building to modernise it for habitation and defined commercial use
- We should not be afraid of controlled development as long as the character of the area is preserved
- *'It is only by encouraging such controlled and sympathetic development that the quayside will be sustained in anything like its present form.'*

6.0 CONSULTATIONS

6.01 A number of recommendations have been received from Faversham Town Council, but I believe that this is due to some confusion with regard to the new IT system recently installed for the planning department. The Town Council first recommended refusal, as the application appeared online to not have supporting documentation. Having seen the accompanying documentation, the Town Council now supports the application, subject to the submission of satisfactory information on the design of the proposed internal alterations at first floor level.

6.02 The Environment Agency has referred us to their Standing Advice regarding this application. This does not indicate any need to take any special

precautions as the floor level of the residential accommodation is not changing.

- 6.03 English Heritage has no comments to make on the applications.
- 6.04 Natural England raises no objection to the proposals.
- 6.05 SPAB has expressed concern regarding minor changes to the building may put its historic value at risk, and that the applicant's Heritage Asset Statement does not provide sufficient detail regarding the history of the elements that are proposed to be removed or altered; whether they are original or modern. However, they suggest that if the partitions or staircase (to be removed) are original they should not be altered as this would remove evidence of the historic plan form and have a substantial detrimental impact on the character and significance of the building.

7.0 APPRAISAL

- 7.01 There are obviously two issues to consider here; whether or not the proposal would have an adverse impact on the character and setting of the listed building and conservation area; and whether or not the proposal is in accordance with established planning policy.
- 7.02 With regard to the effect on the character and setting of the listed building, much as I am actively concerned to preserve the character and setting of listed buildings, I am not of the opinion that the proposed physical works would be detrimental to the building. The interior of the building is not without character. Small details which survive such as the knee braces to the tie beams, the plan form and (possibly) a fire surround are significant features which should be preserved. The current proposals, particularly the loss of the staircase and its replacement in a slightly different location and the internal re-planning at first floor level may appear quite radical at first glance. However, the stair and the existing first floor partitions and doors are not historic features and are of little significance to the listed building. As such, subject to more comprehensive details of the works proposed I do not consider that these works will detract from the historical significance of this building or the group of buildings in which it sits. It follows that the works will not detract from the building's contribution to the character of the conservation area.
- 7.03 I am of the opinion that the more problematic issue here is the fact that it might be considered that to install a larger kitchen and a toilet upstairs could constitute a self-contained dwelling on the Quay, which would clearly be contrary to the provisions of Area Action Plan 2 (AAP2), which clearly states in paragraph 5.14 that *'House builders and homeowners have found the creekside's industrial sites an attractive prospect, but these change the character of the area and place pressures – both financial and environmental – on the remaining businesses and vacant sites to follow suit. Such changes to the character of the Creekside lead to the loss of diversity of activity and severance in the old links between the water and waterside uses. The Council*

considers that levels of new housing have reached the point where further proposals will damage the area and it will now resist them as both contrary to the strategy for the Local Plan and the policy for this AAP.'

- 7.04 Paragraph 5.19, when dealing with Standard Quay itself, notes that *'Residential development will not be permitted as it is considered likely to harm the historic interest of the area'*.
- 7.05 When approving the change of use application in February, the Council was content to support that proposal, as the accommodation level at that time was clearly of a basic level and could not be used as a separate dwelling.
- 7.06 However, I am not convinced that the proposed works would actually render the staff flat to be self-contained. Entry to the building would still be via the entrance to the wine bar; as such, the accommodation would not be self-contained and could not easily be let, sold or rented separately. This to my mind ensures that the use is consistent with policy AAP2.
- 7.07 It is also worth remembering that when approving the wine bar use in February 2014, Officers and Members worked together to produce a very precise condition referring to the accommodation above the wine bar, which states:

'The residential part of the wine bar and ancillary owner/employee residential accommodation hereby permitted shall not be occupied other than by a person solely or mainly employed in the operation of the business.'

Grounds: In the interests of the amenity of any occupier of the living space, and to ensure that the use of the wine bar is in turn not restricted by amenity issues relating to the living space, and to further ensure that this permission does not set a precedent for further residential accommodation at Standard Quay, which might restrict continued use of the area for water based activities.'

- 7.08 The planning application now being determined is not for a change of use, simply for external alterations, and should Members be minded to approve this application, this condition will still stand, thus precluding full residential use and any future precedent. Members will note (above) that the applicant has clarified this matter in the light of local concern.

8.0 CONCLUSION

- 8.01 In view of the above, I recommend that the applications are approved, subject to the conditions noted below.

9.0 RECOMMENDATION – GRANT, subject to the following conditions:

For Planning Application 14/501476/FULL

- (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.

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

- (2) Before any window alterations are commenced, a detailed specification and schedule of works detailing the precise nature and extent of all such works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Grounds: In the interests of preserving the special historic and architectural interest of the listed building.

- (3) The development hereby permitted shall only be carried out in complete accordance with the approved details.

Grounds: In the interests of preserving or enhancing historic and architectural interest of the listed building.

COUNCIL'S APPROACH

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was decided by the Council's Planning Committee.

INFORMATIVE

The restriction on occupation of the upper floor accommodation in Baltic House imposed by condition 2 of planning permission SW/13/1243 is not affected by this planning permission, and it remains in effect.

For Listed Building Consent Application 14/501477/LBC

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

Grounds: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) Prior to the commencement of the development hereby approved, detailed drawings of all new external and internal joinery work and fittings, at two scales; 1:20, and 1:2 or 1:1, shall be submitted to and approved in writing by the Local Planning Authority, together with sections through glazing bars, frames and mouldings, doors, door frames and architraves. The development shall be carried out in complete accordance with the approved details.

Grounds: In the interests of preserving or enhancing the special historic and architectural interest of the listed building.

- (3) Before any window alterations or repairs are commenced, a detailed specification and schedule of works detailing the precise nature and extent of all such works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Grounds: In the interests of preserving the special historic and architectural interest of the listed building.

- (4) The development hereby permitted shall only be carried out in complete accordance with the approved details.

Grounds: In the interests of preserving or enhancing historic and architectural interest of the listed building.

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.