

<b>2.3 REFERENCE NO – 20/502727/FULL</b>		
<b>APPLICATION PROPOSAL</b> Conversion of existing residential accommodation on the first and second floor to create 3no. flats and replacement of all windows of similar type		
<b>ADDRESS</b> First Floor And Second Floor 80A Preston Street Faversham Kent ME13 8NU		
<b>RECOMMENDATION</b> – Grant subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town Council objection		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Greg Knight <b>AGENT</b> Parashoot Architects
<b>DECISION DUE DATE</b> 10/09/20		<b>PUBLICITY EXPIRY DATE</b> 25/08/20

## 1. DESCRIPTION OF SITE

- 1.1 The building in question is a terraced Victorian commercial building within the heart of the Faversham conservation area. The building itself is not listed but is surrounded by many Grade II listed buildings on Preston Street and nearby Market Street.
- 1.2 The ground floor of the building is used as a betting shop and the two upper floors are in residential use as one flat spread over two floors. The residential space has a living room, a kitchen/dining room, two small bedrooms and two small bathrooms on the first floor, four further small bedrooms, and large storage area on the second floor.

## 2. PROPOSAL

- 2.1 The application proposes the conversion of the existing residential accommodation into three 1 bedroom self contained flats, each with its own shower room. One of the existing bathrooms would be re-used for cycle storage. Each flat would have a living/dining area with separate bedrooms and bathrooms. The flats would have the following floor areas:

Flat 1 (first floor) - 36m<sup>2</sup>

Flat 2 (first floor) - 26m<sup>2</sup>

Flat 3 (second floor) - 44m<sup>2</sup>

- 2.2 The application also proposes the replacement of the existing timber single glazed front windows at first and second floor level with timber double glazed windows of the same design to increase energy efficiency. It is also proposes to renew the existing rainwater goods. No other external changes are proposed.

## 3. PLANNING CONSTRAINTS

Conservation Area Faversham

## 4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies: ST3 (The Swale Settlement Strategy); CP3 (Delivering a wide choice of high quality

homes); CP8 (Conserving and Enhancing the Historic Environment); DM14 (General Development Criteria); DM32 (Listed Buildings) and DM33 (Conservation Areas)

- 4.2 Supplementary Planning Guidance (SPG): “*The Conversion of Buildings into Flats & Houses in Multiple Occupation*”, and “*Conservation Areas*”. The guidance regarding flat conversions seeks to recognise the fact that whilst new build flats can be designed very efficiently and with all the space useable, conversions involve compromises and that, therefore, more generous overall standards are required to enable the flats to have enough useable space. In other words the Council’s own standards for flat conversions are meant to be generous, or more demanding, than would be necessary for a new build flat. The floorspace standard in the SPG relevant to this proposal is that each flat should have a minimum floorspace of 24m<sup>2</sup>, and all the flats proposed exceed this standard.
- 4.3 Supplementary Planning Guidance (SPG): “*Parking Standards*” (May 2020) was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. The advisory standard for 1 and 2 bedroom flats is one space per unit; but less in very sustainable locations. Here the site is within the town centre and short walk to the railway station.

## **5. LOCAL REPRESENTATIONS**

- 5.1 The Faversham Society objects to the application for the following reason:

*“This application should be refused. Although the increase in the number of housing units is welcomed, it is considered that the accommodation proposed would be of a poor standard because of its limited size. It would be preferable if the two floors could be used as two flats only to ensure that the accommodation provides a good standard of amenity in accordance with paragraph 127 of the NPPF”.*

## **6. CONSULTATIONS**

- 6.1 Faversham Town Council objects for the following reason:

*“1) The proposed development is for poor standard accommodation that does not meet the standards set out on p127 of the NPPF.*

*Comment: The Town Council welcomes the redevelopment of this site and the provision of small residential units in the town centre of a high standard providing quality accommodation”.*

- 6.2 Natural England raises no objection, subject to the receipt of a SAMMS payment as the site is within 6km of The Swale Special Protection Area (SPA).
- 6.3 Kent Highways state that the proposal does not warrant the involvement of the Highway Authority.
- 6.4 The Environmental Health Manager had no adverse comments or observations.

## **7. BACKGROUND PAPERS AND PLANS**

- 7.1 All plans and documentation relating to 20/502727/FULL.

## 8. APPRAISAL

- 8.1 The main issues to be considered in this case are the principle of the conversion, and the impact of the development on the surrounding conservation area and listed buildings.
- 8.2 The site lies well within the built confines of Faversham Town centre surrounded by many other examples of residential uses on the upper floors and is therefore acceptable in principle, subject to the impact on the SPA being mitigated.
- 8.3 The objections to the scheme relate simply to the size of the proposed flats and refer to paragraph 127 of the NPPF. This states (see in particular clause f) below):

*127. Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Footnote 46 at clause f) then states:

*46 Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.*

The optional standard for a one person flat is 37m<sup>2</sup> but the Council has not adopted the Government's optional technical standards into local policy, as the Local Plan was adopted following examination with reference to the SPG quoted above. To that extent the optional technical standards are not relevant to determination of this application. Nevertheless, in view of the local concern, I went back to the planning agent to ask for comments on this. The following constitutes the response:

- *"The application is for approval to convert an existing residential property into three units of accommodation.*

- *The original floor area is above 110sqm and below 150sqm, being 129sqm.*
- *All flats comply to the council's minimum space standards for flat conversions.*

*In particular, flats 1 & 2 are to be made available only as 1 person flats. Their areas are 26sqm and 36sqm respectively. Their individual habitable room sizes are all within the requirements for a 1 person flat as set out in the council guidelines.*

*Flat 3, being 44sqm in area successfully satisfies the habitable room space requirements for a 2 person, one bedroom flat. Note: All areas are GIA.*

- *Due to amenity area providing only space for internally positioned refuse bins, these flats will not be available to the public as family accommodation.*
- *All fire escape requirements will successfully follow the provisions as set out in Approved Document B (Fire Safety) in particular escape routes over flat roofs, protected stairwells and maximum allowed distances to exits.*
- *The area is known to contain a number of properties that also provide flats.*
- *No parking is available off road or in front of the property, however there is a large public car park directly behind the property.*
- *The applicant is very keen on preserving the character of the building and by way of converting the upper floors into separate dwellings, the building will be greatly improved and enhanced by way of good design and workmanship. The property is currently empty and is an under-used space and would therefore make an important contribution to the local housing without the need for using fresh land.*
- *In respect of the NPPF, paragraph 118 (d) - Planning policies and decisions should promote and support the development of under-utilised land and buildings...for example, converting space above shops.*
- *We believe that this application has taken into account all the requirements set out in paragraph 127 (a-f) in order to ensure high quality accommodation is provided for this development”.*

8.4 The Council has its own published Supplementary Planning Guidance for flat conversions and the proposed flats more than meet these space requirements, and I cannot see how the floorspaces proposed amount to a reason to refuse the application.

8.5 The objections also refer to para 127 of the NPPF which seeks to achieve well designed places. The only relevant part of this is para 127 (f) which seeks to create places that are safe, inclusive and accessible with a high standard of amenity. It is extremely common to have flats above commercial premises and as previously stated meet the Council's space standards for flat conversions. As such, the proposal is in my opinion compliant with para 127 of the NPPF when read as a whole.

8.6 The application also seeks the replacement of the existing upper floor windows with a similar design albeit using double glazing to increase energy efficiency. A condition is recommended below to ensure these are slim profile units and that details of these are submitted to the Council for consideration. The replacement of the existing windows with a slim profile double glazed unit of a similar design would ensure the character of the conservation area is preserved.

- 8.7 The inefficient rainwater goods have caused staining to the brickwork and it is proposed to repair the stained brickwork and replace the rainwater goods. This work would indeed enhance the appearance of the building and is welcomed. A condition is also recommended below for manufacturer details of the replacement rainwater goods.

### **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017**

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale 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.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

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 solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (normally to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

This payment will need to be secured before planning permission can be granted.

## **9. CONCLUSION**

- 9.1 Overall the proposal meets the standards within the Council's published Supplementary Planning Guidance "*The Conversion of Buildings into Flats & Houses in Multiple Occupation*". The proposal would also preserve and enhance the character and appearance of the conservation area and nearby listed buildings with the replacement windows and rainwater goods.

- 10. RECOMMENDATION** – Grant subject to the following conditions and receipt of the relevant SAMMs payment:

### **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) Prior to the relevant works being commenced, 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 by the Local Planning Authority. 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 surrounding area.

- (3) Prior to the relevant works being commenced manufacturers details of the replacement rain water goods shall be submitted to and approved in writing by the Local Planning Authority. 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 surrounding area.

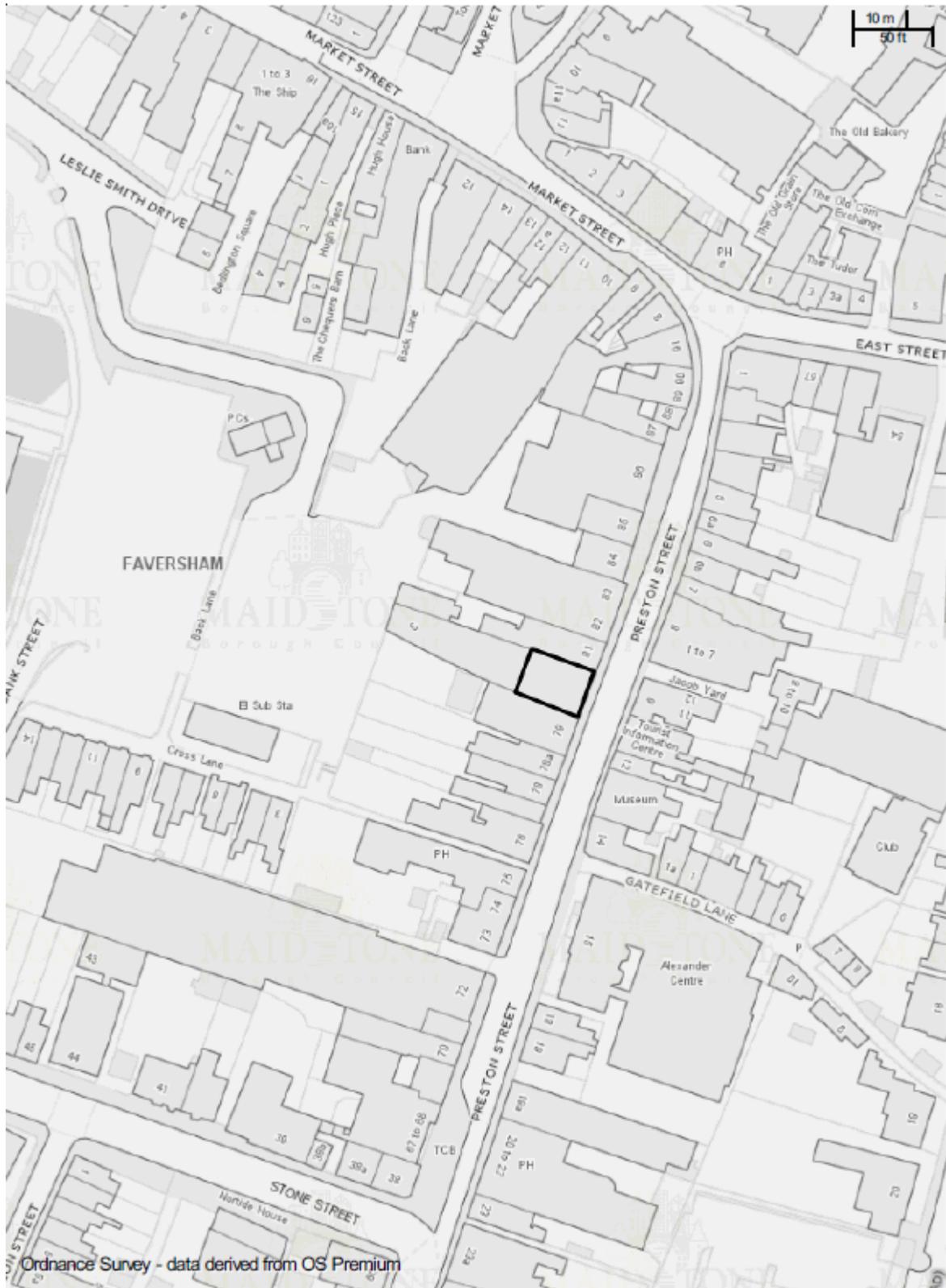
### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

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.



Ordnance Survey - data derived from OS Premium

20/502727/FULL - First & Second Floor 80A Preston Street Faversham  
Scale: 1:1000

