

<b>3.2 REFERENCE NO - 14/503864/FULL &amp; 14/503867/LBC</b>			
<b>APPLICATION PROPOSAL</b> Single storey rear extension and internal alterations to Grade II Listed Building with change of use to restaurant with art gallery/function room on the first floor and Cambria museum on the ground floor and Listed Building Consent for same.			
<b>ADDRESS</b> Building 1 Standard Quay Faversham Kent ME13 7BS			
<b>RECOMMENDATION</b> – Refusal of both Planning Permission and Listed Building Consent applications			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cabinet Member for Planning			
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Quayside Properties Ltd <b>AGENT</b> Mr Simon Latham	
<b>DECISION DUE DATE</b> 23/12/14	<b>PUBLICITY EXPIRY DATE</b> 23/12/14	<b>OFFICER SITE VISIT DATE</b> 18/12/2014	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/12/1523 & 1524	Single Storey Rear extension and internal alterations to building with change of use to restaurant and art gallery use	Refused (and Dismissed at Appeal)	12.06.2013
APP/V2255/A/13/2 202894 & 220294	Appeals for Above	Appeal Dismissed	16.01.2014

**1.0 DESCRIPTION OF SITE**

1.01 Building 1 is a former grain store constructed circa 1840, and is one of a number of grade II listed buildings and one grade II\* listed building situated on Standard Quay. It is a large, black weather boarded utilitarian building, and is situated along the quayside a few metres from Faversham Creek itself.

1.02 The buildings immediately adjacent to the quayside are all weather boarded and of simple design and construction, and present an industrial ‘rough and ready’ image which is visually pleasing. Whilst some of the buildings, notably Baltic House, have been used for ‘maritime’ purposes, Building 1 was built and used as a grain store for many decades, and later used for general storage before being used in boat repair and maintenance activities during the 1990s and 2000s, and it has now been empty for a few years.

**2.0 PROPOSAL**

2.01 These applications are for the change of use of the building to a restaurant and art gallery, and a small museum, with the associated works necessary to make that change. Those works include:

- New window openings in what appear to have once been openings, and slats added to the exterior of all the new window openings (5 in all on the NW elevation).

- An extension to provide space for toilets
- Roof insulation and internal boarded linings, to follow the line of the existing roof.
- A sprinkler system is to be installed
- A kitchen extract duct to be located in the gable end
- Insulation in the form of hemp/wool in the walls
- A floor finish on the ground floor level to be constructed of polished concrete .
- The ground floor ceiling to be timber boarded
- Heating is to be by means of visible overhead ducts in first floor and underfloor heating in the insulated ground floor slab.
- Internal cladding in kitchen and food preparation areas to be stainless steel.
- Reinstatement of additional hoist arms are proposed (where missing)

2.02 Many of these changes, such as the use of wool/hemp insulation rather than Celotex; the installation of a kitchen duct via the gable end rather than the roof; a polished concrete floor at ground level rather than board and stone, roof insulation to follow the roofline; and the omission of vapour barriers, have been submitted in order, if possible, to answer the concerns raised by the Inspector in his dismissal of the previous appeals.

2.03 The applications are accompanied by a Design & Access Statement and a Heritage Impact Assessment; a Structural Appraisal of the building; and a policy assessment of the proposals.

2.04 Previous similar applications were refused under planning references SW/12/1523 and SW/12/1524, and subsequent appeals were dismissed under appeal references APP/V2255/A/13/2202894 & 2202924. It should be noted that the Inspector, on dismissing the appeals, discounted reasons for refusal relating to highways issues, the maritime/industrial character of the Quay, and the impact on the vitality and viability of the town centre; the appeals were only dismissed on conservation and listed building issues.

### **3.0 PLANNING CONSTRAINTS**

Potential Archaeological Importance

Faversham Conservation Area

Environment Agency Flood Zone 3

Grade II Listed Building

Adjacent Public Right of Way

### **4.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF): Paragraph 134  
 Swale Borough Local Plan 2008: Policies E1, E14, E15, E19 and AAP2.

## 5.0 LOCAL REPRESENTATIONS

5.01 Thirty five letters and emails of objection have been received. The comments contained therein may be summarised as follows:

- No new evidence submitted to change previous refusal decision
- Internal changes damaging to fabric, as would be the new windows
- Inspector stressed the need to preserve the industrial look and feel of the area
- Other works on Standard Quay carried out without the required consents
- A restaurant can be anywhere. Boat building and repair facilities cannot be elsewhere
- Overlooking and loss of privacy to my property
- Noise and disturbance in the evenings
- Driving away working boats
- Conversion would cause irreparable damage to this historic structure
- Rent rises forced out traditional shipbuilders
- Will destroy potential to offer marine based services
- No facilities for repair and quartering for visiting barges
- Proposal makes no reference to setting and impact on same
- Traffic problems – only road entrance is via Abbey Street – narrow and busy
- The Quay will become a car park
- Tidal issues and flooding, as shown during the night of 5<sup>th</sup> and 6<sup>th</sup> December 2013
- Not in accordance with SBLP policy AAP2
- Restaurant saturation
- Loss of maritime history
- Pre-empt the Faversham Neighbourhood Plan
- The Quay's status must be considered as a whole
- Will not attract additional business and tourism
- No suitable tenants have been found for present use as rents have been deliberately set too high
- Quay is being 'gentrified to extinction'
- The Council should buy the Quay and re-instate its traditional usages
- Building 1 is the building on the Quay most likely to further the ambitions of the Neighbourhood Plan with regard to 'maritime related works'
- Already a café and wine bar on the Quay
- Will lead to antisocial behaviour
- Policy AAP2 states that frontage development not involving active use or management of the creek should not be permitted
- No allocation for storage of waste
- Restaurants service tourists; they do not attract them
- Developer has already removed internal features without consent

5.02 One letter of support has also been received. The comments contained therein may be summarised as follows:

- *'This building is little more than a large weatherboard shed mutilated by crude reinforcement to carry the weight of sacks of fertiliser, corn, and machinery'*
- Will provide employment and encourage tourism
- Already a vibrant mix of activities; a restaurant would add to this
- It is nearly always possible, with skill, to convert listed buildings to new uses
- If a boat builder wanted to use the site, he would have come forward
- Refusal will lead to further deterioration of the building
- The conversion of redundant agricultural buildings is often supported as a means of preserving them; this situation is not different from that

5.03 The CPRE's Historic Buildings Committee raises objection as the proposal would be harmful to both the listed building and the surrounding conservation area.

5.04 The Faversham Creek Trust objects to the proposal, noting that *'The Trust objects to this proposal because it is not substantially different from the previously rejected plan. The applicant must adhere to the previous guidance and we consider this application ignores that judgement.'*

5.05 The Brents Community Association objects to the proposal, noting that the use of the building is inherent to its place on the quayside, and notes that *'If the applicant disputes the Inspector's judgement, he should pursue the matter through the courts, not here.'*

## **6.0 CONSULTATION RESPONSES**

6.01 Initially, the Council received minutes suggesting that Faversham Town Council raised no objection to the proposal.

6.02 However, it came to the attention of Officers that the minute was amended at the next meeting of the Town Council to show that the Town Council actually supported the proposal.

6.03 The Council's Tourism Officer states that she is *'Generally supportive of the application in terms of adding value to the existing town centre offer and help towards sustain the growing visitor base through a new and emerging cultural and leisure offer.'*

6.04 Natural England raises no objection.

6.05 The Environment Agency raises no objection, subject to conditions.

## **7.0 BACKGROUND PAPERS**

Application Papers and drawings relating to planning reference 14/503864

Application Papers and drawings relating to planning reference 14/503867

Application Papers and drawings relating to planning reference SW/12/1523

Application Papers and drawings relating to planning reference SW/12/1524

Application Papers and drawings relating to Appeal reference APP/V2255/A/13/2202894

Application Papers and drawings relating to Appeal reference APP/V2255/A/13/2202924

## **8.0 APPRAISAL**

8.01 The main issue in determining these applications was identified by the Planning Inspector when considering the last appeals as "whether the proposals would preserve the special interest of the listed building and preserve or enhance the character or appearance of the conservation areas". This reflects the statutory duty under the Act and remains the key issue. The Inspector dismissed all the other reasons for refusal decided by the Planning Committee: highways issues; the effect on the vibrancy and vitality of the town centre; and the desire to preserve the maritime/industrial character of the Quay, and as he has already judged that the only valid reason for refusal is the preservation of the building and the character of the conservation area, that appears to be the only issue for discussion now.

8.02 As well as the Inspector's decision in 2013, I have had regard to the provisions of the National Planning Policy Framework (NPPF), the adopted Local Plan, draft Local Plan Bearing Fruits, and the National Planning Policy Guidance (NPPG), all of which attach great weight to the conservation of designated heritage assets.

### 8.03 The Appeal Decisions

In the Inspector's appeal decision dated 16 January 2014 he dismissed the Council's case in relation to the effect of the development on the vitality and viability of the town centre, on the maritime history of the area and on highway safety but he supported the refusal on heritage conservation grounds. He identified the main issue to be considered was whether the proposals would preserve the special interest of the listed building, and preserve or enhance the character or appearance of the conservation area.

8.04 He identified that the significance of the listed building derives not from its carpentry or from its fabric saying that "*...no individual piece of its fabric is especially unique. Nevertheless, the workmanship and utilitarian nature of the building envelope, exemplified by the rough and ready quality of its finishes and internal spaces, all contribute to its special architectural interest and to its historic character as part of the wharf. Overall, I find that the significance of the building lies in the part it plays in the wharf as a whole and by enclosing a space which evokes the utilitarian uses for which it was built and subsequently used. With regard to the conservation area, I find that the significance of the building lies in its contribution to the industrial character of the quay*".

8.05 Paragraph 10 of the appeal decision follows a description of the proposed works; acknowledges that they have been designed to minimise damage to the fabric of the listed building; and reads: "*Nevertheless, I consider that the special interest in the building lies in the way that its form and finishes as a whole produce a character which evokes the long history of the quay, and the more recent maritime repair uses, rather than in any individual part of its fabric. The changes that would be necessary to turn the building into a restaurant would make its appearance far smarter and more refined. As a result, the overall nature of the building would change and this important element of its special interest would be altered so much that the character of both the building and the conservation area would be significantly damaged. If the appeals were permitted, it would be unreasonable to refuse subsequent consent for cleanable surfaces for food preparation, additional signage or measures to reduce draughts and this incremental damage would further harm to the significance of the listed building*".

8.06 He took the view that the significantly harmful level of intervention proposed in order to convert the building to a restaurant was not necessary to sustain the future of the listed building.

8.07 He also considered the proposals against paragraph 134 of the NPPF which requires that in development which results in less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

8.08 He concluded that, on balance, the proposals failed to preserve and would cause harm to the special interest of the listed building and the character of the conservation area, and that the benefits of the scheme would not outweigh the harm.

8.09 The current proposals

The current applications are substantially similar to those considered by the Inspector but include the following minor changes:

- Slats are added to the exterior of all the new window openings (5 in all on the NW elevation).
- The historic (fire damaged) king-post roof structure is now not to be restored.
- Roof insulation and internal boarded linings are to follow the line of the existing roof.
- A sprinkler system is to be installed.
- The kitchen extract duct is to be located in the gable end rather than through the roof
- Insulation is to be hemp/wool rather than Celotex. Vapour barriers are omitted.
- The ground floor is to be constructed of polished concrete rather than floor boards and stone slabs.
- The ground floor ceiling is to be timber boarded rather than Gyproc fireline board.
- Food preparation has moved to the first floor, and restaurant use is shown on part of the first floor more than doubling the restaurant floor area.
- Heating is to be by means of visible overhead ducts in first floor and underfloor heating in the insulated ground floor slab.
- Internal cladding in kitchen and food preparation areas is to be stainless steel.
- The drawings indicate the extent of external signage on the north west and south west elevations.
- Reinstatement of additional hoist arms are proposed (where missing)

8.10 In virtually all other respects the changes are the same as in the 2013 scheme.

8.11 Assessment of Impact

My assessment considers whether the changes listed above go any way to address the harm to the special interest of the listed building and the character or appearance of the conservation area which were identified by the inspector.

8.12 The “louvred slats” are perhaps the most visible external alteration. They are shown incorporated into the new window openings on the north west elevation. The elevations give the impression that they replicate the original louvred openings on the south east elevation but the proposed slats scale at about 20mm by 7mm which will give a less than convincing appearance. My opinion is that if louvres are to be incorporated in the new openings they should replicate the surviving historic examples on the south east elevation. Anything short of this is difficult to justify. The application is unclear as to how the original louvred openings are to be glazed. I am uncomfortable using the louvred design on the proposed ground floor window opening where there is no evidence that grain drying was ever carried out; this devalues the significance and historic function of the feature.

8.13 The use of sawn boarding to the ceiling in place of fireline board will, to a limited degree, help to preserve character.

8.14 All the other changes are largely neutral and do not address the Inspector’s or the Planning Committee’s concern about preserving the working character of the building and its utilitarian nature exemplified by the rough and ready quality of its finishes and internal spaces.

- 8.15 The applicant has tried to demonstrate that the changes will result in less harm to special interest and character and that they consequently address the Inspector's reason for refusal. However, the changes are largely insignificant and the scheme is substantially the same scheme. I have no doubt that the same Inspector would reach the same decision if he were to consider these application today.
- 8.16 There is an inherent incompatibility between the building, which is a draughty industrial grain building and a restaurant use which requires a level of comfort and convenience which is only achievable at a cost to its character.
- 8.17 There is a whole range of industrial and commercial uses which would be far more suited to the building and to the location as they would reinforce the special character of the building and the place rather than diluting it.
- 8.18 Further to the Inspector's decision, I also note English Heritage's response to the Draft Faversham Neighbourhood Plan. English Heritage noted that the character of the town *'may not reside solely in the buildings and spaces, but may also result from the activities that traditionally were, and in some cases continue to be conducted within these. The loss of key employment sites that contribute to the viability of the area for a range of waterside industries, notably boat building, that contributes to the working character of the waterway and creekside, would represent a loss of significance of the conservation area as an historic focus for such activities and ultimately, a reason for the town's existence'*. The response also notes, with regard to Standard Quay, that the Planning Inspector's reasons for refusing the previous applications for Building 1 do not refer to any potential public benefits which might outweigh the harm to the fabric of the building.
- 8.19 Clearly, when a body such as English Heritage makes such statements on heritage issues, it would be somewhat imprudent to ignore such findings. I am of the opinion that the comments from EH are a clear warning with regard to the effects following the loss of traditional uses of the buildings at Standard Quay, and whilst suggesting that boat building and repair uses would be a positive use of creekside buildings, other uses would not. I therefore attach significant weight to English Heritage's letter; a letter which was not in existence at the time of the original application and which could therefore not be taken into consideration at that time. I am therefore of the opinion that the decision of the Planning Inspector and the advice from English Heritage are fundamental when considering the present application.
- 8.20 The applicant's agent has contradicted the Council's views in writing by suggesting that the policy position has since changed, and that too much weight is being given to the appeal decision issued in respect of the previous refusals. However, I would counter this argument by re-iterating the view that the Inspector's decision is of paramount importance; that the policies regarding conservation areas and listed buildings have not been subject to radical change; and that though some changes have been made to this proposal, they do not go far enough to assuage the concerns expressed by the Inspector..
- 8.21 When considering the present application in the light of the Inspector's decision, and the comments from English Heritage regarding the Neighbourhood Plan, I can only recommend that planning permission and listed building consent be refused.

**9.0 RECOMMENDATION – REFUSE** for the following reason (for both applications):

The proposed works necessary to effect the change of use would fail to preserve and would cause harm to the special interest of the listed building and the character and appearance of the conservation area, and the benefits of the scheme would not outweigh that irreparable harm. The proposals are therefore contrary to Policies E1, E14, E15 and E19 of the Swale Borough Local Plan 2008 and Paragraph 134 of the National Planning Policy Framework (NPPF).

**Council’s Approach to the application (application 14/503864/FULL only)**

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; having a duty planner 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 applicant did seek pre-application advice, and met with the Case Officer and the Conservation Officer on site. However, very few of the points raised within that meeting have appeared within the present applications and as such, the Council has no option but to refuse 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.






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## Appeal Decisions

Hearing held on 18 December 2013  
 Site visit made on 18 December 2013

by **David Nicholson RIBA IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2014

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### Appeal A: APP/V2255/A/13/2202894

**Building No.1, Standard Quay, Abbey Road, Faversham, Kent ME13 7BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Quayside Properties Ltd. against the decision of Swale Borough Council.
  - The application Ref SW/12/1523, dated 28 November 2012, was refused by notice dated 12 June 2013.
  - The development proposed is single storey rear extension + internal alterations to Grade II listed warehouse building with change of use to restaurant + art gallery/function room.
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### Appeal B: APP/V2255/E/13/2202924

**Building No.1, Standard Quay, Abbey Road, Faversham, Kent ME13 7BS**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Quayside Properties Ltd. against the decision of Swale Borough Council.
  - The application Ref SW/12/1524, dated 28 November 2012, was refused by notice dated 12 June 2013.
  - The works proposed are single storey rear extension + internal alterations to Grade II listed warehouse building with change of use to restaurant + art gallery/function room.
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### Decisions

1. **Appeal A is dismissed and Appeal B is dismissed.**

### Application for costs

2. An application for costs was made by Quayside Properties Ltd. against Swale Borough Council. This application is the subject of a separate Decision.

### Main Issues

3. The two main issues in both appeals are whether the proposals would preserve the special interest of the listed building; and preserve or enhance the character or appearance of the conservation area.
4. Additional issues in Appeal A are the effects of the proposals on:
  - (a) the vitality and viability of Faversham town centre;
  - (b) the marine history of the area and the opportunity for future maritime related activities with particular regard to the amenities of the area;
  - (c) highway safety.

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Appeal Decisions APP/V2255/A/13/2202894, APP/V2255/E/13/2202924

**Reasons**

*Listed building/conservation area*

5. The Faversham Conservation Area includes the older parts of the town. Its 2004 character appraisal (Document 6) summarises its growth from the founding of the royal abbey which lead to merchants' houses being built along the bank of Faversham Creek near the current line of Abbey Street. The latter leads from the appeal site to the town centre and the appraisal emphasises the importance of the Creek to the history of the town and the significance of its conservation area. Standard Quay is the name given to the mooring on the bank of Faversham Creek and to the group of buildings facing it. The appraisal notes that, in 2004, Standard Quay was the town's only traditional, working, waterside environment with its 18<sup>th</sup> and 19<sup>th</sup> century weatherboarded warehouses/workshops which are distinctive for their battered-looking corrugated iron roofs. It refers to the quay as being characterised by the traditional sounds and smells of waterside activities.
6. The appeal site at No.1 is at the east end of this group and is listed at Grade II. The remaining buildings and surrounding hardstanding are all within the appellants' ownership as are the proposed car parking spaces. Standard Quay appears on a map published in 1774 and No.1 is identifiable on a Tithe Map dated 1842. Its listing describes it as early 19<sup>th</sup> century and part of an important complex of 18<sup>th</sup> and early 19<sup>th</sup> century warehouses. The roof to the building was originally hipped, with a tiled covering, but this was seriously damaged by a fire in the mid-20<sup>th</sup> century (before it was listed) and subsequently altered to a steeper gabled roof with corrugated iron sheeting. Other parts of the fabric were also replaced after the fire. The tie beams and vestiges of the principle rafters remain under the later roof.
7. It was agreed at the Hearing that No.1 was probably first built as a granary and that for most of its life it was used as a storage warehouse. From 1992 until 2011 it was leased for marine related uses associated with the repair of Thames barges, including the Cambria which I saw moored up alongside for the winter, while the upper floor was used as a sail loft. The appellant purchased the buildings with sitting tenants. Their lease expired in 2011 and was not renewed. The building is now largely vacant except for some display panels associated with the Cambria and a small amount of other storage. It was also agreed that a permission in 1994 for use as a sail loft and a gallery (Document 7) was implemented although the gallery was never installed.
8. I saw that the building's form and fabric reflect its original use together with many later alterations and minor modifications over the years. I accept that, after the fire, the carpentry holds rather less inherent interest and that, other than as a record of the building's history, no individual piece of its fabric is especially unique. Nevertheless, the workmanlike and utilitarian nature of the building envelope, exemplified by the rough and ready quality of its finishes and internal spaces, all contribute to its special architectural interest and to its historic character as part of the wharf. Overall, I find that the significance of the building lies in the part it plays in the wharf as a whole and by enclosing a space which evokes the utilitarian uses for which it was built and subsequently used. With regard to the conservation area, I find that the significance of the building lies in its contribution to the industrial character of the quay.

Appeal Decisions APP/V2255/A/13/2202894, APP/V2255/E/13/2202924

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9. The works to accommodate the proposed change of use would involve strengthening the roof, inserting a new staircase (previously approved), new windows in previous openings, the insertion of plasterboard between joists and enhanced wall, floor and ceiling linings, and a small extension for new lavatories. Floor strengthening would be kept to a minimum. I acknowledge that all these proposed changes have been carefully considered and well thought through to limit the damage to the fabric of the listed building.
10. Nevertheless, I consider that the special interest in the building lies in the way that its form and finishes as a whole produce a character which evokes the long history of the quay, and the more recent maritime repair uses, rather than in any individual part of its fabric. The changes that would be necessary to turn the building into a restaurant would make its appearance far smarter and more refined. As a result, the overall nature of the building would change and this important element of its special interest would be altered so much that the character of both the building and the conservation area would be significantly damaged. If the appeals were permitted, it would be unreasonable to refuse subsequent consent for cleanable surfaces for food preparation, additional signage or measures to reduce draughts and this incremental damage would further harm to the significance of the listed building.
11. The proposed works would also entail adding insulation, with vapour barriers and fire-proofing to timbers. I have noted the Council's concerns with regard to the effects of vapour barriers on historic timbers, and the English Heritage guidance on these but, given that conditions could be applied to ensure careful detailing and that ventilation could be maintained through the weatherboarding from the outside, I find that for this building these could be overcome.
12. The Council has acknowledged that the works would not reach the hurdle of substantial harm as defined in the National Planning Policy Framework (the *Framework*). As required by paragraph 134, I have therefore weighed the harm I have found against the public benefits of the proposal, including securing its optimum viable use.
13. The appellant has argued that the building is in a poor state of repair and that the works associated with the change of use would stabilise the roof and structure as a whole, deal with the corroding roof covering, and other damage that has been caused to the building over the years. I acknowledge that the gabled configuration is not as stable as the original hipped form and that the proposed strengthening would help its longevity.
14. On the other hand, the building has stood for many years in its current configuration and strengthening the building against high winds, if necessary, would only be a small part of the works. While the current roof covering might not be adequate for its proposed use, it was perfectly acceptable for its last use and, as maritime storage or for maritime related uses, it is probably not necessary for the building to be entirely weather tight or draught proofed. Although the corrugated iron sheets do show some signs of corrosion, in my experience this is not unusual and does not mean that they are in imminent danger of falling apart or in need of more than another coat of paint or some localised repairs. In any event, the sheets could be replaced in due course, either wholesale or piecemeal, without the need for the major changes to the nature of the building envisaged or to the loss of its history that this would cause.

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Appeal Decisions APP/V2255/A/13/2202894, APP/V2255/E/13/2202924

15. The proposals include an art gallery/function room for the first floor and this could be a benefit to the town. On the other hand, there is little detail of what is proposed and no clear way of securing any particular degree of benefit and so I give this limited weight. I note that English Heritage made no adverse comment on the proposals but that is not unusual for Grade II buildings.
16. I have considered whether the proposals would be necessary to enable the building to have a future that would sustain the cost of necessary ongoing maintenance and repairs to the fabric. For the above reasons, I find that the costs to sustain the building for storage or maritime uses need not entail the level of intervention proposed or require works to be done urgently. Moreover, given that the building was in use in roughly its current condition before the last lease was terminated, I find it likely that occupiers could be found to fund the extent of repairs required without changing the use of the building.
17. For all the above reasons, I conclude on this issue that, on balance, the proposals in both appeals would fail to preserve, but would harm, the special interest of the listed building and the character of the conservation area, and that the benefits of the scheme would not outweigh this harm. The proposals would conflict with policies E14, E15, E19 and AAP2 of the Swale Borough Local Plan (LP) which: aim to preserve listed buildings; preserve or enhance the conservation area; expect proposals to promote and reinforce local distinctiveness and sense of place; and maintain or enhance the mix of uses and activity that respect the maritime character of the area. The scheme would be contrary to the *Framework* which requires great weight to be given to the conservation of designated heritage assets, which include listed buildings and conservation areas.

#### *Vitality and viability*

18. The site lies outside the identified primary and secondary shopping frontages in the LP but within the built up area. I am informed in its statement that: *The Council would not for a moment suggest that Faversham town centre is in decline.* Nonetheless, it has gone on to advise that it *has a duty to defend the vitality and viability of the town centres within the Borough, to ensure that they do not decline.* It has cited LP policies E1, B3, FAV1, AAP1 and AAP2, which: set out general criteria for all development; deal with non-retail development in shopping frontages; set planning priorities for the area within the context of the historic and natural environment as the prime consideration; retain the range of services in the town centre; and maintain or enhance a mix of uses and activity that would respect the character of the varied parts of the AAP area and the encourage the regeneration of the creek basin for commercial and tourism purposes and protect employment uses.
19. The restaurant and art gallery would be tourism related purposes. I have noted the Council's emphasis on public opinion, which would like to see the appeal building returned to a maritime use, but I can find no evidence that the proposals would cause any harm to the vitality and viability of the town centre or that it would offend any relevant LP policy.

#### *Maritime history and maritime related activities*

20. The site has been used for most of its life as a warehouse in connection with the quay but, since 1992, has been used more specifically in support of maritime activity. The 1994 permission for alterations to establish maritime

Appeal Decisions APP/V2255/A/13/2202894, APP/V2255/E/13/2202924

craft based workshops was implemented at least in part on account of the sail loft. Objectors, including the previous leaseholders, argued that the building represented the last vestige of Thames barge repairing. As well as referring to local opinion, the Council's statement goes on to explain that its objections are connected with the effect of the change of use on the significance of the heritage assets, citing LP policies E1, E15, B5 and AAP2. As above, E1 is a general policy for development; E15 refers to the conservation area; and AAP2 regeneration for commercial, tourism and employment uses. Policy B5 permits tourist attractions.

21. I understand the desire of local residents to see the building put back into maritime repair use. However, there is no certainty that dismissing the appeal would achieve this end. I can find nothing in planning policy that should be used to prevent a restaurant and art gallery on the quay which would, to a degree, act as a tourist attraction. I have noted the Council's reference to heritage assets but this adds little to my findings on the first issues above. On this issue, I find little evidence that a specific maritime use for the whole of the building has been fully established let alone that it should be protected. I find no significant conflict with any policy on maritime history or maritime use.

*Highway safety*

22. Access by land to the site is via Abbey Street. This was laid out in the 12<sup>th</sup> century as a grand approach to the abbey. After the threat of demolition in the 1950s, the street was narrowed to reduce traffic nuisance. The Council argued that the scheme would bring more traffic to the street and that this would be detrimental to the amenities of its residents. I also saw that the street narrows beyond the access to a nearby school and that restaurant traffic might continue into the late evening. The appellant has produced evidence that there would be no significant increase in traffic from that which would arise from uses which would be permitted on the site anyway. There have been no serious accidents, and the Highway Authority has made no objection.
23. I acknowledge that the street narrows but also that there are narrow stretches between the main road and the school access. I accept that restaurants can lead to more evening traffic but, if necessary, this is a matter which could be controlled by conditions. For these reasons, I find little evidence that the scheme would cause a significant nuisance or pose an increased risk to highway safety. It would not conflict with LP policies E1 or T1 which set out general criteria for all development, and do not permit development which would decrease highway safety. It would not come close to breaching the requirement in the *Framework* that: *development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

*Conclusions*

- 23.1 For the reasons given above and having regard to all other matters raised, including the ongoing proposed Faversham Creek Neighbourhood plan and the risk of flooding, I conclude that both appeals should be dismissed.

*David Nicholson*

INSPECTOR

APPENDIX A

UNP SCANNED

Appeal Decisions APP/V2255/A/13/2202894, APP/V2255/E/13/2202924

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**APPEARANCES**

FOR THE APPELLANT:

Nicholas Pryor	JTS Partnership
Simon Latham	Design & Build Services
Michael Seare	MLM Consulting
Michael White	Owner

FOR THE LOCAL PLANNING AUTHORITY:

Cllr. Brian Mulhern	Swale Borough Council (SBC)
Cllr. R Barnicott	SBC
Peter Bell	Conservation Officer, SBC
Andrew Splers	SBC

INTERESTED PERSONS:

Joanna Wood	Local resident
Griselda Mussett	Local resident
Dr Charles Turner	Sandy, Bedfordshire
Brenda Chester	Faversham Creek Trust
Sue Cooper	Sheldwich (previous tenant)
Mike Canty	Local resident
Robert Baxter	Historic Buildings Committee, Protect Kent, CPRE

DOCUMENTS

- 1 Costs response
- 2 List description
- 3 Plan identifying surrounding commercial uses (appellant's appendix A)
- 4 Neighbourhood plan email
- 5 Site ownership boundary marked up with red and blue lines
- 6 Faversham Conservation Area character appraisal
- 7 1994 planning permission
- 8 2006 planning permission for the Old Granary
- 9 2012 planning permission
- 10 Representation from Griselda Mussett
- 11 Representation from William Croydon (former Chief Executive of SBC)
- 12 Representation from Cllr. Barnicott
- 13 Griselda Mussett's representation on flooding