

DEF ITEM 2 REFERENCE NO - 21/506027/FULL		
APPLICATION PROPOSAL Section 73 - Application for removal of condition 8 (noise levels) pursuant to application 21/503772/FULL for - Section 73 - Application for Variation of condition 2 (permanent change of use), 4 (to allow external lighting) and 7 (to allow music to cease Sun-Thu at 10 PM Fri-Sat at 11 PM) pursuant to application 18/501494/FULL for - Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.		
ADDRESS St Saviours Church Whitstable Road Faversham Kent ME13 8BD		
RECOMMENDATION Please refer to full committee report		
REASON FOR REFERRAL TO COMMITTEE The application was originally deferred by Planning Committee on 13 th January 2022		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mrs Romana Bellinger AGENT
DECISION DUE DATE 04/01/22	PUBLICITY EXPIRY DATE 15/12/21	CASE OFFICER Alice Reeves

Planning History

21/503772/FULL

Section 73 - Application for Variation of Condition 2 (permanent change of use), 4 (to allow external lighting) and 7 (to allow music to cease Sun-Thu at 10 PM Fri-Sat at 11 PM) pursuant to application 18/501494/FULL for - Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.

Approved Decision Date: 15.10.2021

18/501494/FULL

Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.

Approved Decision Date: 20.07.2018

18/502720/LBC

Listed Building Consent for proposed alterations to the layout of the joiners partitioned storerooms in the hall for use as a kitchen area, toilet and disabled toilet. To include drainage and damp repairs, underfloor insulation, erection of interior CCTV and reinstating dwarf wall with picket fencing. Insert guttering where missing.

Approved Decision Date: 10.10.2018

14/502638/FULL

1. Retrospective permission sought for change of use from a designated church to a live-work artist/artisan studio, with the following developments:

- the original kitchenette replaced by a shower room
- the installation of a kitchen
- storage platform becomes a sleeping platform, accessed by the addition of an internal metal spiral staircase.

2. Prospective permission sought for replacing current Canadian pattern galvanised roof with a 'Standing Seam Zinc' roof.

Approved Decision Date: 31.03.2015

14/502639/LBC

1. Retrospective permission sought for change of use from a designated church to a live-work artist/artisan studio, with the following developments:

- the original kitchenette replaced by a shower room
- the installation of a kitchen
- storage platform becomes a sleeping platform, accessed by the addition of an internal metal spiral staircase.

2. Prospective permission sought for replacing current Canadian pattern galvanised roof with a 'Standing Seam Zinc' roof.

Approved Decision Date: 31.03.2015

1. INTRODUCTION

1.1 This application was previously reported to the Planning Committee on the 13th January 2022, with a recommendation for approval. However, at that meeting Members resolved the following:

‘That application 21/506027/FULL be deferred until further sound recordings were taken at the venue on both amplified and acoustic music, with applicable conditions to be implemented and clarity be sought on whether the venue was still a café or solely a music venue’.

1.2 The original Committee report is attached to this report as Appendix B.

2. CONSULTATIONS

2.1 The Swale Borough Councils’ Environmental Health Report, including noise readings and suggested condition, is attached to this report as Appendix A.

3. The APPRAISAL

3.1 The application was presented to Planning Committee on 13th January 2022; however, the Item was deferred by Members as concerns were raised in relation to the potential noise issues affecting nearby residents. Members also asked Officer’s to clarify with the applicants whether the venue was still being used as a community café, as well as an events venue.

3.2 With regards to the use of the building the applicants provided the following response:

“Can you please clarify to Council Members that we hold a whole host of events, can you also make Members aware that the cafe does not make the necessary funds to support the costs of maintaining this large grade 2 listed building and that we receive the majority of our revenue by hosting the below events in our arts venue.

Please see below, examples of events held at The Hot Tin set out in the Heritage Statement, application ref 21/503772/FULL:

- *Employment of full and part time staff from within the local community. Employing staff from government backed apprenticeship and kickstarter schemes.*
- *Showcase local, national and international artists for the local and wider community.*
- *We connect with local peers and peer groups, art venues, associations, societies and collectives.*
- *Bridging communities and educational workshops*
- *Exhibitions*
- *Films*
- *Hire for cultural events*
- *Performing Arts*
- *Concerts*
- *Craft fairs*
- *Launch parties*
- *Open House run by The Faversham Society*
- *Cafe/bar for the community to drop in and use and to promote local coffee roasters, local food produce, local micro breweries ie ales, cider, wines.*

Live music is one of the many types of events we host at The Hot Tin. We have sort advice from our Planning Consultant who has confirmed that as live music performances happen periodically (3-4 per month), the use class we've been granted is in keeping within its permitted use”.

- 3.3 The noise measurements and recommendations from the Environmental Protection Team Leader can be found in Appendix A. Officers have discussed the findings and the recommendations and are of the opinion that Option 2 with the following condition would be more suitable in this instance and would provide the necessary noise mitigation:

‘Prior to the continued use of the venue a noise management plan shall be submitted for assessment and approval by the local planning authority. The management plan shall include but not be limited to: The number of events per calendar year, the time period between each event, the type of event that is suitable for the venue, the termination time of any event, how sound levels will be assessed during any event, how this will be recorded, the actions taken if sound levels are found to be too high, what the threshold for taking action will be, the provision of information on the events program to residents, provision of contact details for residents in case of complaint, how complaints will be responded to and actioned as necessary, recording of complaints, provision of records to the council on request, triggers for update of the management plan’.

4. CONCLUSION

- 4.1 In view of the above, it remains my opinion that the proposal is acceptable. I therefore recommend that the application be granted subject to conditions outlined in the original report and the inclusion of condition (8) in accordance with the Environmental Health report.

5. RECOMMENDATION

GRANT Subject to the following conditions/ REFUSE for the following reasons:

CONDITIONS to include

- (1) Prior to the continued use of the venue, details of any mechanical ventilation system that are to be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained, and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity

- (2) No floodlighting, security lighting or other external lighting shall be installed or operated at the site without the prior written consent of the Local Planning Authority other than a traditional lantern over the main entrance door.

Reason: In the interests of residential amenity.

- (3) Prior to the installation of the lantern referred to in condition (2) above, manufacturers details of the proposed lantern shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (4) The approved lantern hereby approved shall not be illuminated except during the hours that the premises to which it relates is open for business.

Reason: In the interests of residential amenity.

- (5) The premises shall be used only for the purpose of a community café and arts centre and for no other purpose, including any other purpose within Classes E, F.1 or F.2 of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

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

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

- (7) No recorded or live music or singing shall be permitted on the premises after 10pm

on any day.

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

- (8) Prior to the continued use of the venue, a noise management plan shall be submitted for assessment and approval by the local planning authority. The management plan shall include but not be limited to: The number of events per calendar year, the time period between each event, the type of event that is suitable for the venue, the termination time of any event, how sound levels will be assessed during any event, how this will be recorded, the actions taken if sound levels are found to be too high, what the threshold for taking action will be, the provision of information on the events program to residents, provision of contact details for residents in case of complaint, how complaints will be responded to and actioned as necessary, recording of complaints, provision of records to the council on request, triggers for update of the management plan.

Reason: In the interests of residential amenity.

The 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.

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.

