

2.2 REFERENCE NO - 15/501851/FULL			
APPLICATION PROPOSAL Change of use from retail shop (use class A1) to micropub (use class A4)			
ADDRESS 37 Preston Street Faversham Kent ME13 8PE			
RECOMMENDATION – GRANT subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposal will bring a new destination venue to Faversham, thus boosting the Town's commercial offer, and is thus in accordance with both national and local planning policy.			
REASON FOR REFERRAL TO COMMITTEE Contrary to local objections, and to the Town Council's objection.			
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Whitstable Brewery AGENT John Elvidge Planning Consultancy	
DECISION DUE DATE 15/05/15	PUBLICITY EXPIRY DATE 15/05/15	OFFICER SITE VISIT DATE Two separate visits	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500697	Micropub at 6A Preston Street	Approved	29/07/2014

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The property is situated within the town centre at Faversham, towards the southern station end of Preston Street, and is the last property within the Secondary Shopping Area. The property lies within the Faversham conservation area, is Grade II listed, and has a particularly well-preserved shop front.

1.02 The property at present has A1 Retail Use, and is used as a show room for a glass and window company.

2.0 PROPOSAL

2.01 The proposal is for a new micropub, which falls under Class A4 use. This proposed micropub, like others of its type, proposes the sale of locally and traditionally brewed beers and ales, along with Kentish cider, local wines and soft drinks.

2.02 The only building work envisaged is the removal of a modern, poorly finished plywood partition the wall. The removal of this partition will open up the front room of the building and will also re-expose two original finely detailed iron columns.

3.0 APPLICANT’S SUPPORTING INFORMATION

3.01 The agent has submitted a number of supporting statements with the proposal. These include the following information:

- There is existing soundproofing between the ground floor unit and the flats above, consisting of a floating floor incorporating insulation for airborne noise, impact and fire resistance. This was installed in 1993, when planning permission for the conversion of the offices above the shop to three flats was granted under planning reference SW/93/0491.
- The agent notes that there are a number of other traditional retail uses in the immediate vicinity; a florist next door, hairdressers; a triple unit bicycle shop; a baker’s shop opposite, etc.
- Although no marketing has been carried out to suggest a need for a continued A1 use for the property, the agent notes that there are a number of vacant A1 retail properties further down Preston Street and within the Core Shopping Area; he argues that, as such properties are empty within the Core Shopping Area, a retail unit within a Secondary Shopping Area is likely to be less attractive to a new retail tenant.

3.02 The proposed hours of use are Monday to Sunday 12:00 to 23:00.

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Conservation Area Faversham

Listed Buildings SBC Ref Number: 800/SW

Description: G II ABLE GLASS, 37 PRESTON STREET, FAVERSHAM, ME13

8PE

5.0 POLICY AND OTHER CONSIDERATIONS

Saved policies of the adopted Swale Borough Local Plan 2008: Policies E1, B1, B2 and B3

6.0 LOCAL REPRESENTATIONS

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

- Permission for a change of use at 12 Market Street was recently refused. As this property is already occupied, to approve the proposal will make no sense

- There are eighteen other drinking establishments within Faversham – this will offer nothing new
- The floorspace is 90 square metres; other pubs have smaller bar areas, so how can this be a micropub?
- *'I get the impression that the whole venture is not properly thought out and will add nothing except an inappropriate looking building use.'*
- This is just a small pub, not a micropub; you will need strict conditions to be enforced
- Micro pubs do not have music
- *'I am against any extra noise issues in the area, if music is allowed that would generate more noise for residents, with some being directly above, at a much larger volume than I have just been refused planning on, even the raised voices produce a greater decibel level for the residents than ours did. Plus, this will go on till after 23:00 before everyone has moved on...it is a step too far.'*
- Too many pubs already – The Mechanics' Arms has closed
- Impact of opening in evenings, particularly traffic movements
- This is a listed building
- Nowhere for smokers to go except the street
- Impact on policing in the area
- Application should be rejected, as should any change of use for alcohol sales within the core area
- Loud music
- Dangerous area at rear – will encourage antisocial behaviour

6.02 Twenty letters and emails of support have been received, many from addresses outside Faversham. Their contents may be summarised as follows:

- Will add to visitor numbers in Faversham
- The Whitstable Brewery Company has the relevant experience
- Added choice for the consumer
- This will offer *'the more refined drinker'* somewhere to go
- Creating jobs in the community
- Ideal location immediate to the town centre and near to rail and bus access
- A quiet environment for friends to meet and socialise
- No music or gaming machines
- A community asset
- Reversing the trend of closures of traditional pubs
- Will benefit residents and tourists alike
- Will encourage growth in the town
- Diversity of options for the town
- Will support local businesses

6.03 An email of support has also been received from a Member of Maidstone Borough Council, in whose Ward the Whitstable Brewery has a production base. He states that *'Whilst this business application is neither in my Borough or Ward, I can commend this business and its management for being professional and for providing a very good local perspective that respects its*

local people and values, and where they give, take and maintain a local communication and dialogue in key matters.'

- 6.04 The Faversham Society raises concern, noting that '*Concern is raised about the increased concentration of non-retail uses in this part of Preston Street. There are very few retail outlets left at this end of the street making it less attractive to shoppers.*'
- 6.05 An email from the applicant has also been received, countering claims made both in the local press and by some objectors. The information contained therein may be summarised as follows:

- An error was made by the Faversham News, stating that music and entertainment would be provided. This is not the case, and a correction was published on 23/04/2015
- The properties above have been soundproofed
- Likely that the pub will close before other pubs
- Only serving real ales, local ciders, etc.
- The only lager we will sell will be one brewed by ourselves
- Food offering will be consistent with other micropubs
- It is not our policy to allow patrons to take drinks outside
- No plans to sell spirits or alcopops
- No fruit machines
- Unlikely to take custom from Shepherd Neame Houses
- Very small premises – other pubs are much larger
- Unlikely to attract antisocial drinkers
- Proximity to town centre and train station likely to discourage people from using cars

7.0 CONSULTATIONS

- 7.01 Faversham Town Council objects to the proposal, stating that '*The application will lead to an over-concentration of non-retail uses.*'
- 7.02 Kent Highway Services note that the site is within the town centre where there are parking controls and on-street parking is available.
- 7.03 The Council's Environmental Health Manager raises no objection, subject to condition 5 noted below and a condition restricting construction hours, but as these will be limited I have not recommended that condition.
- 7.04 The Council's Tourism Officer supports the application. She says that town centres need to be looked at in different ways for different shopping habits and leisure time offering new experiences. With Faversham being a brewing town there is a natural connection in terms of product and experience.
- 7.05 Kent Police raises no objection.
- 7.06 The County Archaeological Officer raises no objection.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers and correspondence relating to planning reference 15/501851.

9.0 APPRAISAL

- 9.01 The two main issues which need to be considered in this case appear to be the loss of an A1 retail unit within the Secondary Shopping Area; and impact on local/residential amenity. For the sake of regularity, I will consider each in turn.
- 9.02 Firstly, in terms of the Swale Borough Local Plan 2008, Policy B3 allows for a loss of A1 use retail units if this does not lead to a significant loss of either retail frontage or a general loss of A1 use buildings. The frontage of this building is very small, and the shopfront will not be changed. As noted within the Agent's statement, there are already a number of other A1 uses in the immediate vicinity: a florist; a hairdresser, a large bicycle shop, a bakers, etc. I am therefore of the opinion that the loss of the A1 unit within the Secondary Shopping Area is not an issue for concern, and that the proposal conforms with the requirements of Policy B3, which states that '*Within the defined Secondary Shopping Areas, as shown on the Proposals Map, the Borough Council will permit non-retail uses, including residential, provided that they would not: a) lead to a significant concentration of non-retail floorspace or housing or the loss of significant retail frontage; b) result in the loss of existing residential accommodation or a use important to the community; and c) lead to a loss of residential amenity.*
- 9.03 I am also mindful of the fact that this property is the very last within the Secondary Shopping Area, and is therefore situated right at the edge of Faversham's shopping district. Furthermore, if this end of Preston Street sees less customer footfall due to its position, I am of the opinion that a use such as a micropub will entice shoppers to this end of Preston Street, creating more potential trade for nearby businesses.
- 9.04 Finally, I am further mindful of the fact that another micro pub was permitted under my delegated powers last year under planning reference 14/500697 at 6A Preston Street. Whilst I would acknowledge that this property was smaller even than no.37, and had been vacant for over two years, that property is within the Core Shopping Area, and even so was granted permission as it was felt that it would attract custom to the area.
- 9.05 There seems to have been some confusion regarding the nature of operations of the proposed micropub, possibly engendered by the misunderstanding appearing in the local newspaper article. The applicant has clearly stated that there will be no music, and the only food served will be commensurate with the usual offering found in micropubs; crisps, nuts, snacks, etc. Added to the fact that the traditional clientele for micropubs tend not to be binge drinkers, I am not convinced that problems arising from antisocial behaviour will occur.

9.06 However, as the details regarding the previously installed sound proofing are somewhat vague, I have thought it prudent to include Condition 2 below. Similarly, I have included conditions regarding use and opening hours as well.

10.0 CONCLUSION

10.01 I recommend that the application be approved, subject to strict conformity with the conditions given below.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

Reasons: 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 building works commence on the site, details of the sound insulation provided between the shop premises and any residential use attached to the building shall be submitted to the Local Planning Authority. If the current level of sound insulation is deemed to be insufficient, a scheme of improvement shall be submitted to the Local Planning Authority. The approved scheme shall be implemented in full prior to the opening of the premises.

Reasons: In the interests of residential amenity, and to ensure that that amenity is preserved before any development takes place.

- 3) No amplified music shall be played on the premises at any time.

Reasons: In the interests of residential amenity.

- 4) The use of the building the subject of this permission shall be used only for the purposes of a micro-pub, or any use within Class A1 (shops) and for no other purposes, including any other purposes in Classes A2 (financial and professional services); A3 (restaurants and cafes); A4 (drinking establishments); or A5 (hot food takeaways) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons: To align with the approved use of the premises and in the interests of the vibrancy and vitality of the town centre.

- 5) The use of the premises hereby permitted shall be restricted to the hours of 11am to 11pm Mondays to Sundays.

Reasons: In the interests of the amenities of the area

Council's Approach to the application

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 proposal was considered acceptable, and the application was decided by the Council's Planning Committee.

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.