

2.6 REFERENCE NO - 15/503652/FULL, 15/503656/LBC and 15/503659/ADV		
APPLICATION PROPOSAL Change of use from A1 to A1, A3 and B1. Alterations to shopfront. Internal alterations, creation of new staircase and removal of existing, one window to rear to be removed. Advertisement consent for 1x fascia sign to front of shop.		
ADDRESS 5 Market Street, Faversham, Kent, ME13 7AH		
RECOMMENDATION – APPROVE, subject to receipt of satisfactorily amended drawings		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • No significant impact of change of use; • Significant improvement through restoration of a dilapidated Grade II listed building; • Positive impact on conservation area. 		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Town Council objection 		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Oc Yan
DECISION DUE DATE 27/07/15	PUBLICITY EXPIRY DATE 14/07/15	

THIS REPORT RELATES TO THREE SEPARATE APPLICATIONS BUT THEY ARE REPORTED TOGETHER AS THE SAME ISSUES ARISE. EACH APPLICATION SHOULD BE DETERMINED ON ITS OWN MERITS.

1.0 DESCRIPTION OF SITE

- 1.01 This property is on the northern side of Market Street, which is a pedestrianised street, to the west of its intersection with Preston Street. Adjacent to the east is the Swan café, and to the west a retail shop. Facing the site across the street are a framing shop and an optician’s. To the rear is a small garden, and beyond the site’s boundary lies the Royal Cinema with a car parking area to the east. The application site is within Faversham’s built up Area, Core Shopping Area and the Faversham conservation area.
- 1.02 The building subject to the application is Grade II listed. It is currently vacant and its lawful use is A1 (shops) use. The existing façade comprises a larger glass panel to the right, adjacent to the shop entrance, and two smaller glass panes in the more modern left-hand half of the facade. The first floor has three sash windows and there are two small dormers on the front roof slope. The rear elevation comprises existing windows at both ground and first floor levels and a flat roofed single storey extension. There is also a chimney and a rear access at first floor level, with a single dormer window above.

2.0 PROPOSAL

Full and LBC Applications (15/503652/FULL and 15/503656/LBC)

- 2.01 The proposal involves the change of use from the current A1 (shops) use of the site to A1 (shops and A3 (restaurants and cafes) uses on the ground floor, and on the first floor, B1 (business) use. It is sought to establish a tea lounge in the building, selling cake, tea and coffee, as well as selling Asian teapots. A tea demonstration

room is also proposed. The proposed change of use would require a number of internal and external alterations, as outlined below.

2.02 The proposal includes the restoration of the shopfront (including windows, tiles, decoration) and would involve the following:

- At the ground floor level, the reduction of window space on the left-hand side, in order to create space for a second door for access to the first floor. The current windows on the left side of the façade measure 1.3m and 1.6m in width, and are both 2.3m in height. They are proposed to be replaced with a single 1.7m wide and 2.3m high window pane, to match the more traditional style of the existing panel on the right. A new door would be located adjacent to the western external wall, also adjacent to the new window pane. It will match the existing one in style and materials.
- The three existing façade windows at first floor level are proposed to be replaced with windows to match the existing style and materials.
- Similarly, the two existing dormer windows at second floor level are also proposed to be replaced to match the existing style and materials.
- At the rear of the building it is proposed to replace an existing window, with a more appropriate unit.
- A new wooden frame glass roof over the existing door and window, to the rear elevation.
- Internally, it is proposed to demolish the existing and create a new staircase, new counter, floor and cupboards.
- Renew wall and ceiling work.
- At the front of the shop would be the tea lounge area with tables and chairs, with a service counter; and adjacent tea room towards the back of the building, together with a unisex toilet and washing facilities.

2.03 The first floor is proposed to comprise two offices in B1 use. The second floor is proposed to be used for storage and staff facilities.

Advertisement Consent (15/503659/ADV)

2.04 This aspect of the proposal includes the installation of a new fascia sign, measuring 7m in width and 0.68m in height. The sign is proposed to be located on the existing façade of the building, above the ground level shop windows, and would be of coated plywood and wooden panels. Illumination would be provided by a slim light concealed behind a moulding.

Ambiguities in Submitted Drawings

2.05 There are some ambiguities in the drawings submitted with the application. The applicant has therefore been requested to amend these appropriately, and approval of the proposals is recommended on the basis that the amendments are done before the applications are determined.

3.0 PLANNING CONSTRAINTS

- Listed building- Grade II
Listed Buildings MBC and SBC Ref Number: 138/SW
Description: G II THE SWAN, 6 Market Street, Faversham, ME13 7AH (the listing covers 5, 5A and 6, Market Street)]

- Faversham conservation area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Core Shopping Area
- Built Up Area Boundary

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraphs 131, 132 and 137

National Planning Practice Guidance (NPPG)

Swale Borough Local Plan 2008 saved policies:

- Policy SP1: Sustainable Development
- Policy SP3: Economy
- Policy B3: Maintaining and Enhancing Vitality and Viability of the Town Centres
- Policy FAV1: The Faversham and Rest of Swale Planning Area
- Policy AAP1: Faversham Town Centre
- Policy E1: General Development Criteria
- Policy E14: Development Involving Listed Buildings
- Policy E15: Development Affecting a Conservation Area
- Policy E23: New Shopfronts, Signs and Advertisements

Supplementary Planning Guidance (SPG):

- The Design of Shop Fronts, Signs and Advertisements;
- Listed Buildings – A Guide for Owners and Occupiers; and
- Conservation Areas.

5.0 LOCAL REPRESENTATIONS

Full Application (15/503652/FULL)

- 5.01 The proposals have been advertised by the display of a site notice. Neighbour notification letters regarding the applications have been sent to the occupiers and owners in the immediate vicinity.
- 5.02 Five objections have been received to the change of use application. The issues raised include:
- The proposal would result in the creation of a predictable monoculture by allowing a change from A1 to A1, A3 and B1. This would be harmful to the fabric of the town centre.
 - Market saturation as there are already many businesses of this type in what is a very small area.
 - Retail space should be protected, replacing one with A3 use is detrimental to the core trading business of the town.

Listed Building Consent (15/503656/LBC) and Advertisement Consent (15/503659/ADV) Applications

- 5.03 No objections have been received to the applications for listed building consent and advertisement consent.

6.0 CONSULTATIONS

6.01 Faversham Town Council has objected to the proposal (all three applications) for the following reasons:

- No design and access statement or heritage statement has been submitted, making it difficult to judge the impact of the proposed change of use.

NOTE: A Design and Access Statement has been submitted

- The site is in the core shopping area.
- The area is already well provided with cafes and restaurants.
- It is not clear from the application that any A1 use will be retained on the site.

6.02 Historic England have been consulted on the listed building consent application, and have stated that the application should be determined in accordance with national and local policy guidance, and on the basis of expert conservation advice.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application papers submitted with applications Ref 15/503652/FULL, 15/503656/LBC and 15/503659/ADV

8.0 APPRAISAL

8.01 The main issues to consider in relation to this proposal, including the Full, Listed Building Consent and Advertisement Consent applications are as follows:

- Impact of proposed change of use
- Impact on listed building
- Impact on conservation area
- Impact on amenity and highway safety

These are discussed in turn below, together with the relevant policies and guidance.

8.02 The starting point here must be the saved policies of the Swale Borough Local Plan 2008 and other material considerations.

Change of Use

8.03 The proposal involves the change of use from A1(shops) to A1 and A3 (Restaurants and cafés) and B1(Business - offices). The saved policies relevant to assessing this aspect of the proposal include SP1, SP3, B3, FAV1 and AAP1.

8.04 Policy SP1 (Sustainable Development) promotes, among others, the efficient use of previously developed land to provide for sustainable economic growth to support efficient and diverse business sectors. It also supports high quality design. The proposal accords with this policy as it is seeking to change the use of an existing building, and would improve the diversity of town centre uses in Faversham.

8.05 Policy SP3 (Economy) seeks to support local companies to grow and develop, as well as improving the economic, social and cultural standing of the Borough's town centres by supporting mixed-use developments. I consider the proposal to be in accordance with this policy. It is important to note that the building is currently vacant and in disrepair, which is an important factor in the planning balance. The change of use and restoration of the building will contribute to improving the standing of the

town centre and re-establish the use of the building for a viable business and retail space.

- 8.06 Policy B3 (Maintaining and Enhancing Vitality and Viability of the Town Centres) seeks that in terms of proposals within the Core Shopping Area, non-retail uses be permitted only when they meet the following criteria:
- *enhance the primary retail function of the area by adding to the mix of uses in the town centre area as a whole and increase its overall vitality and viability;*
 - *provide a service or facility for residents or visitors currently lacking or under-represented in the town centre area;*
 - *could not otherwise successfully trade within the secondary shopping area;*
 - *do not result in a significant loss of retail floorspace;*
 - *do not lead to a concentration of non-retail frontage; and*
 - *do not result in the loss or erosion of a non-retail use that underpins the functioning, vitality and viability of the town centre.*
- 8.07 The proposal will contribute to the mix of uses in the town centre by retaining some of the current A1 use as well as by providing a mix of uses on site with the addition of the A3 and B1 uses. While there would be some loss of A1 use, an element of retail use will be maintained on site and combined with A3 and B1 uses which would make the proposed use of the building viable. The retail frontage will be partially retained and is considered acceptable in this instance, when weighed against the benefits of the restoration of a listed building which will occur as part of this proposal. The building is currently vacant and in need of restoration, failing to make a positive contribution to the overall vitality of the town centre. The proposal is therefore considered to be in accordance with Policy B3. Importantly, this is a small unit with no rear servicing provision, which would be less of a loss of the vital retail character of the town than a larger, more flexible or more prominent building.
- 8.08 Policy FAV1 (The Faversham and Rest of Swale Planning Area) emphasises the importance of the conservation of the historic environment and the role of the market town to support its own local needs. It also seeks to safeguard and enhance the diversity of Faversham's small-scale historic character, as well as to support and diversify the services and activities which enhance the economic health of Faversham town centre. Additionally, Policy AAP1 (Faversham Town Centre) refers to the Area Action Plan designated for Faversham town centre. It states that Council seeks to promote a strong and diverse local economy in the town centre, and will support proposals that:
- *conserve and enhance the architectural and historic fabric of the centre;*
 - *retain and enhance the lively, distinctive, wide-ranging and traditional mix of activities in the shopping streets;*
 - *retain and/or add to the range of services considered important to the health of the town;*
 - *widen the range of activities and facilities available for residents and tourists in the town;*
 - *make appropriate use of the floorspace on upper floors for new housing and/or businesses; and*
 - *maintain or improve the range and diversity of employment sites and uses.*
- 8.9 As outlined above, it is considered that given the fact that the building is in disrepair and currently vacant, the proposal would be an improvement in terms of the provision of diverse services in the town centre. It would also result in an improvement of the public realm within the conservation area through the proposed improvements to the

listed building, which is currently in disrepair. The proposal therefore accords with Policies FAV1 and AAP1.

- 8.10 The applicant has submitted a Design & Access statement which clearly outlines the proposed change of use and the retention of A1 use on the ground floor, with offices above. Therefore some A1 use will be retained on site, while at the same time restoring a listed building back to its full potential. Without the restoration of the listed building, I consider that the balance of considerations would be much closer.
- 8.11 Overall therefore, and on balance, I consider that the proposed change of use is acceptable and in accordance with the policies and guidance outlined above. It will bring a vacant building, currently in need of restoration, back into a viable town centre use, while at the same time restoring the listed building and therefore making significant improvements in the town centre. Due to the small size of the unit in question, I do not consider the partial loss of A1 area to be unacceptable on this occasion.

Impact on a Listed Building

- 8.12 Paragraphs 131, 132 and 137 of the NPPF highlight the significance of heritage assets, the importance of their preservation and enhancement, and the opportunities for new development to make a positive contribution to local character and distinctiveness. Local policy and guidance on dealing with listed buildings is contained in Policy E14 and the Council's Listed Buildings SPG. Policy E14 seeks that any development affecting a listed building preserves the building's special architectural interest and its setting. The policy seeks that this include paying special attention to design, including scale, materials, situation and detailing; the desirability of removing unsightly or negative features or restoring/reinstating historic features.
- 8.13 The proposal is considered to be in accordance with this policy as it will result in the repair and overall reinstatement of the building subject to this application. Namely, on the façade this would include the maintenance of the stall risers, the reinstatement of pilasters, console brackets, colonnettes and decorative carved work. These works would be a very positive contribution in the restoration of the building's façade.
- 8.14 The Council's Listed Buildings SPG recommends the following:
- Windows and other detailing - characteristic detailing should be retained; whenever possible, existing windows should be repaired. However, where a replacement is required, then purpose-made windows, using the exact style and materials to the original, should be made.
 - Any alteration or repairs to external elevations should respect existing materials and match them in texture, quality and colour. Every effort should be made to retain facing brickwork.
 - Existing openings should not be widened or heightened.
 - Existing doors should be retained. Design of new doors should be appropriate to the character of the building.
 - Shopfronts of merit – every effort should be made to retain them.
 - Interiors – features of interest should be respected and left in situ wherever possible.
- 8.15 The proposal will accord with this guidance as it will retain and reinstate characteristic detailing. The proposed restoration on the left hand side of the shop front would be a significant conservation gain and is given significant weight in assessing the change of use application. The separate access to the upper floors is

also an improvement which will encourage the more active use of the building as a whole. I have recommended conditions at the end of this report, to ensure that joinery details are supplied; and that the cornices to the two dormer windows on the front elevation, which have been removed recently, are reinstated to a detail approved by the Council.

Impact on Conservation Area

- 8.16 Policy E15 relates to impact on conservation areas. It seeks that development should preserve or enhance all features that contribute positively to the conservation area's special character and appearance. Special attention needs to be paid to the use of detail and materials, surfaces and land use. The policy also states that features that detract from the character of the area should be removed, and those that would enhance it – reinstated.
- 8.17 The Council's Conservation Area SPG seeks that:
- Any alterations to external elevations should respect existing materials, match them in texture and colour.
 - Windows – shape and size should be retained.
 - External and internal features should be retained.
 - Old shopfronts should be retained.

The proposal will be in accordance with Policy E15 and the SPG because, as outlined above, the listed building, which is currently in disrepair, will be reinstated, with important features preserved and the old shopfront will be improved by reinstating characteristic features.

Shopfront and Sign (Impact on amenity and highway safety)

- 8.18 The proposed installation of a fascia sign is considered against the relevant Local Plan Policies E14, E15 and E23. Policies E14 and 15 have been discussed above. Additionally, Policy E23 seeks that development involving advertisements should 'respond positively to the character of the building and its locality, cause no harm to amenity, or compromise highway safety'.
- 8.19 The proposed sign will be sympathetic to the character of the local area and the building itself. It will retain the layout of the shopfront by being of the same size and in the same location as the existing sign currently on the building. It will be of sympathetic materials, i.e. wood and will complement the other improvements proposed to the façade of the building. The sign would be illuminated by a small LED strip in a timber moulding beneath the roller shutter fascia panel. This seems to be entirely appropriate for the circumstances. The proposed sign would therefore be in accordance with policies E14, E15 and E23.
- 8.20 Additionally, the Design of Shopfronts, Signs and Advertisements SPD seeks that the following be taken into consideration when assessing proposals for signs and advertisements:
- The scale and character with the building;
 - Good standard of design;
 - Amenity and highway safety; and
 - Impact on listed buildings and conservation areas.

- 8.21 As outlined above, it is considered that the proposed sign, within the wider scheme of refurbishing the building itself, would fit the scale and character of the building and would be of a good standard of design. It would not impact on local amenity or highway safety, and would be sympathetic to the building itself and the local area.
- 8.22 In conclusion, the proposal complies with Swale Borough Local Plan saved policies E14, E15 and E23. It also accords with provisions of the Design of Shopfronts, Signs and Advertisements SPG and the Conservation Areas SPG. On this basis, it is recommended that this aspect of the proposal be approved, subject to the conditions included below.

9.0 CONCLUSION

- 9.01 It is considered that the proposal, comprising all three applications, accords with national and local policy and guidance, for the following reasons:
- The building subject to the applications is currently vacant and in disrepair, therefore does not positively contribute to the local area and conservation area.
 - The property concerned is a small one with no rear service access. It is not located in an area already dominated by non-retail uses. It would add a new dimension to the uses in this part of central Faversham.
 - The change of use and restoration of the building will contribute to improving the standing of the town centre and re-establish the use of the building for a viable business and retail space. The proposal will also contribute to the mix of uses in the town centre, completely without losing the current A1 use of the building.
 - The proposal will have a positive effect both on the listed building itself, and on the conservation area in the locality.
 - The shopfront and sign aspect of the proposal will be sympathetic to the character of the local area and the building itself, without impacting on amenity or highway safety.
- 9.02 On this basis, it is considered that the proposal is in accordance with the NPPF and its guidance; and accords with the relevant saved policies of the Swale Borough Local Plan 2008. Compliance with the three relevant SPG documents has also been achieved, namely: the Design of Shop Fronts, Signs and Advertisements; Listed Buildings – A Guide for Owners and Occupiers; and Conservation Areas. It is therefore recommended that the planning permission, listed building consent and advertisement consent applications be approved, subject to the conditions outlined below.

10.0 RECOMMENDATION – Approve, subject to satisfactory amended plans and to the following conditions:

FULL APPLICATION 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) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reasons: In the interests of residential amenity.

- (3) The development shall be in accordance with the approved drawings as follows:

D00-3 – ‘Counter Details’, POO-04 – ‘Proposal GF Plan’, D00-4 – ‘Details Elevation’, POO-05 – ‘Proposal FF Plan’, POO-06 – ‘Proposal SF Plan’, POO-07 – ‘Existing and Proposal Front Elevation’, POO-8-1 – ‘Rear Existing and Proposal Elevation’, POO-09 – ‘Proposal Staircase Section’, and POO-10 – ‘Proposal Staircase Section’.

Reasons: For the avoidance of doubt and in the interests of proper planning.

- (4) The alterations to the shopfront and the reinstatement of the cornices to the two dormer windows on the front elevation, which have recently been removed, shall be completed before the approved use commences.

Reasons: In the interest of the special architectural or historic interest of the listed building.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

LISTED BUILDING CONSENT CONDITIONS

- (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.

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

- (2) The materials to be used in the alterations hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (3) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (4) Detailed drawings at a suggested scale of 1:20 and 1:1 of the proposed alterations to the shopfront, including stall risers, doors, pilasters, console brackets, colonnettes and decorative carved work shall be submitted and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (5) Detailed drawings at a suggested scale of 1:5 of all new external and internal joinery work, including new doors, windows, cornices to dormer windows and the new shopfront including stall risers, pilasters and console brackets shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (6) Notwithstanding the details shown on drawing POO-10, constructional details at a scale of 1:5 of the proposed glazed roof, including the eaves detail, shall be submitted and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (7) Details of the soil vent stack to serve the proposed second floor toilet shall be submitted and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (8) All new plasterwork on ceilings and external walls shall be finished in lime plaster and no cement or Gypsum plaster shall be used therein.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (9) Full details of any proposed ventilation ducts, fans and extract grilles shall be submitted to and approved by the Local Planning Authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (10) No radiators, light fittings, pipework, vents, ducts, flues, meter boxes, alarm boxes, ductwork or other appendages (except fittings in the bathroom and kitchen) shall be fixed to the interior or exterior of the part of the listed building the subject of this consent without the prior written consent of the Local Planning Authority.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (11) No development shall take place until details of external finishes and colours have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (12) All rainwater goods to be used as part of the development hereby permitted shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (13) Before the work commences on site, a fully detailed scheme shall be submitted to the Local Planning Authority to indicate how all of the original structural components of the building will be retained, repaired or restored. The scheme shall also illustrate how the existing cladding can be retained and how the wall studding will be fully exposed internally. No work of any description shall take place on site until such a scheme has been approved in writing and the scheme shall be implemented as approved.

Reasons: In the interest of the special architectural or historic interest of the listed building.

ADVERTISEMENT CONSENT CONDITIONS

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to:
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reasons: In accordance with the provisions of Regulation 2(1) of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- (6) The sign shall not be illuminated except during the hours that the premises to which it relates are open for business.

Reasons: In the interests of visual amenity.

NB For full details of all papers submitted with these applications 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.