

**PLANNING COMMITTEE – 26 MAY 2016**

**PART 2**

Report of the Head of Planning

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 16/501352/FULL</b>			
<b>APPLICATION PROPOSAL</b> Change of use to exhibition space with ancillary retail use on the ground floor and B1 office use on the 1st floor			
<b>ADDRESS</b> 12 Market Place Faversham Kent ME13 7AE			
<b>RECOMMENDATION: Approve</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> Application is an exceptional case; not a precedent and would be complimentary to the vibrancy and vitality of the town centre			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Number of objections and Member call - in			
<b>WARD</b> Abbey	<b>PARISH/TOWN</b> Faversham Town	<b>COUNCIL</b>	<b>APPLICANT</b> Faversham Town Council <b>AGENT</b> Sell Wade Consultants
<b>DECISION DUE DATE</b> 20/04/16	<b>PUBLICITY EXPIRY DATE</b> 20/04/16		
<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SW/14/0495	Change of use from A1 (Retail) to A1 (Retail) & A3 (Restaurant)	Withdrawn	11.06.2014
14/505083/FULL	Change of use from retail (class A1) to a coffee shop (mixed A1/A3 use)	Withdrawn	24.12.2014
15/502734/FULL	Change of use from A1 (Retail) to A3 (Restaurant) (Resubmission).	Refused	25.05.2015
<i>Summarise Reasons</i> Contrary to Policy			

**1.0 DESCRIPTION OF SITE**

1.01 The development site is prominently located in central Faversham opposite the town's Guildhall. The site is a grade II listed building within the Faversham Core Shopping Area and has been in continuous retail use for many years, latterly as a shoe shop for a multiple high street retailer, with first floor storage and ancillary accommodation. Since the closure of the shoe shop the retail unit has been, until quite recently, occupied by a charity as a retail outlet, but I understand that the property is now empty again.

- 1.02 The unit has a wide and attractive frontage, albeit with a poor quality shop-front, and is a prominent feature within the Market Place locality. The shop has front and rear access and is one of the larger units in the vicinity.

## 2.0 PROPOSAL

- 2.01 The proposal is for the change of use of the building for Faversham Town Council, which wishes to use the first floor of the building as offices, leaving the ground floor as a visitor centre. However, the main attraction of the property will be the display of Faversham's copy of Magna Carta and other historical charters granted to the town during the medieval period, which will be displayed on the ground floor of the building. No building works are envisaged at this stage.
- 2.02 A small element of retail use will remain at ground floor level, with a small area devoted to the sale of publications, souvenirs, gifts, etc.
- 2.03 The application is accompanied by a Design and Access Statement, a Heritage Statement, and a business plan. The Design and Access Statement explains that no buildings works are included within this application; the proposal is solely for a change of use.
- 2.04 The business plan includes the following observations:

*'The outline aims for the project are as follows:*

- *The first floor would provide the office accommodation for the Faversham Town Council staff and the ground floor would provide an exhibition space, with retail.*
- *The exhibition would be manned by volunteers recruited and monitored by the Town's Tourism Officer, who is employed by the Faversham Town Council, working in partnership with the Faversham Society and other community groups.*
- *The site would be secured by the Town Council and up to the first two years will be used to provide evidence of the future need by:*
  - *Displaying the existing Magna Carta and Charter Exhibition*
  - *Providing other temporary exhibitions in partnership with the Faversham Society and local schools*
  - *Providing formal and informal learning opportunities*
  - *Enhancing cultural access and understanding of local heritage*
  - *Providing volunteering and work experience to members of the community*
- *An application will be developed for the Heritage Lottery Fund to provide first class international standard exhibition with security and protection for the artefacts. This will include the facility to rotate part of the exhibition area every six months with other "mini" exhibitions giving details of the other unique aspects of Faversham's Heritage. The subjects covered would include the Faversham Creek, the Cinque Ports, the Medieval Battle of Faversham, the Gun Powder Industry, the Great Explosion of 1916, the Huguenots in Faversham, Brewing in Faversham, the arrival of the railways, the Faversham Abbey etc, etc.*

*The reasoning behind the proposed purchase of 12 Market Place:*

- *The property would be a freehold asset for the community.*
- *Provides a permanent and secure home for the town council's offices.*
- *A well-appointed location within the town to house a museum for Town Council's Charters, artefacts and Magna Carta.*
- *The property has a distinct frontage, ideal for a town hall/museum.*
- *The Tourism Officer, and other Town Council staff, will be ideally located to oversee the day to day management of the proposed museum.*
- *The Guildhall is currently disengaged from the Town Council and, together with the proposed upgrade, will benefit from the council's offices being conveniently located opposite and will be used more for Mayoral engagements.*
- *The marriage of the two buildings is further strengthened in that the Committee Room has a superb twelve-panelled carved overmantel that once graced 12 Market Place, when it was the home of Henry Hatch, a great local benefactor, who died in 1533.*
- *Council staff will also be ideally located to oversee the letting of the Guildhall to increase its community use.*
- *Also, increasing availability of the 1603 Grade II\* Guildhall as a heritage asset for tourists, working in partnership with the Faversham Society to enhance their history walks offer. The Council Chamber walls bear panels listing mayors since 1292, with small portraits (mainly photographs) of most since 1840.'*

2.05 The application, if approved, would produce a mixed use building with A1/B1/D1 mixed use.

2.06 The application is presented to the Planning Committee in view of the number of objections received and at the request of Councillor Mike Henderson, as the proposal is contrary to SBC planning policy.

#### **4.0 PLANNING CONSTRAINTS**

Potential Archaeological Importance

Conservation Area Faversham

Listed Buildings SBC Ref Number: 405/SW

Description: G II 12 MARKET PLACE, FAVERSHAM

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

Development Plan: Saved policy B3 of the Swale Borough Local Plan 2008

Policies DM1, DM2, DM32 and DM33 Bearing Fruits 2031

Supplementary Planning Guidance: Conservation Areas, Listed Buildings a Guide for Owners & Occupiers

#### **6.0 LOCAL REPRESENTATIONS**

6.01 Three letters/emails of objection have been received from local residents. Their contents may be summarised as follows:

- Contrary to Policy B3 of the SBLP 2008
- Negative impact on surrounding retail outlets
- Harmful to the vitality and viability of the Core Shopping Area

- In a prime retail location
- Other applications for non-retail use have been refused or withdrawn
- The Alexander Centre already serves
- I presume that the Town Council being the applicant would not be a pertinent factor?
- Having such a large retail unit available for immediate occupation would aid regeneration
- Would set a dangerous precedent
- Premature; a feasibility study is needed

6.02 Two emails of support have also been received. Their contents may be summarised as follows:

- Will bring an empty unit back into use
- Will be a major asset to the community
- Will attract more visitors to the town
- Valuable asset to local schools, colleges and universities
- Leicester has capitalised on its links with Richard III; this will bring the opportunity for Faversham to capitalise on its links with King Stephen (*who founded and was buried at Faversham Abbey – my note*)

6.03 The Faversham Society recognises the potential significance of the use and supports the proposal, commenting that '*The provision of a display space for Magna Carta and charters was one of the principal aims of the Magna Carta exhibition in 2015, and this proposal seeks to provide an important visitor attraction to the town.*'

## 7.0 CONSULTATIONS

7.01 Kent Highways and Transportation raises no objection to the proposal.

7.02 The Council's Economic and Community Officer Tourism Officer supports the application.

## 8.0 APPRAISAL

8.01 My main considerations in the determination of this planning application are those of planning policy towards out town centres.

8.02 Saved policy B3 of the Swale Borough Local Plan 2008 states that the Core Shopping Area should be protected for A1 retail use only. I acknowledge that the proposed use would include a small element of retail use, but the predominant ground floor use would be D1 (non-residential institutions), which would normally be precluded under Policy B3 in the interests of preserving the vibrancy and vitality of the town centre. However, I am of the opinion that the proposal may still prove to be broadly acceptable. Policy B3 states that '*Within the defined core shopping areas...the Borough Council will only permit non-retail uses that 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*' and '*provide a service or facility for residents or visitors currently lacking or under-represented in the town centre.*'

8.03 In this case, I would firstly argue that the proposed use would enhance the primary retail function of the area by adding to the mix of uses in the town centre area as a whole and increasing its overall vitality and viability, by adding a prominent tourist destination within the centre of Faversham, encouraging new visitors, who will in turn

be likely to spend in local shops, cafes, etc. I am of the opinion that the proposed exhibition centre will attract an ever-increasing number of people who would wish to see the heritage and history on offer within the town, and these people would bring further trade to the surrounding shops, thus positively affecting the vibrancy, vitality and economy of the town.

- 8.04 Secondly, I would contend that the proposal, if approved, would provide a unique community and tourism service which at present is not available in Faversham in this form. The proximity of the Guildhall would provide a double attraction for visitors, in conjunction with the proposed exhibition centre.
- 8.05 This is, undoubtedly, a good, large retail premises within the Core Shopping Area, and in normal circumstances I would not recommend approval for a change of use from A1 Retail Use. However, the present application is for a unique, one-off proposal. The sale of the property provides a unique opportunity to provide a permanent exhibition centre for Faversham's Magna Carta and other historic medieval charters, creating greater interest and tourism within the town, and providing a suitable hub for the services provided by Faversham Town Council. I am of the opinion that any other type of proposal for non-retail use in this property would be likely to be unacceptable, but due to the singular nature of the proposal, and the accompanying benefits which the proposal, if approved, would bring to the town, I am of the opinion that, in this instance, a unique exception to policy can be made, which will not set any future precedent.
- 8.06 I acknowledge the fact that in the last two years, two applications for a coffee shop in this property have been withdrawn and one refused for same, due to the loss of retail use within the Core Shopping Area, and that was, and is, the correct course of action; Faversham already has many fine coffee shops and eating establishments, so these proposal would have only resulted in a loss of A1 retail use, the dilution of the vitality of the town centre, and another coffee shop adding to a service sector which is already well provided for within the town. However, as stated above, the present application presents a unique proposal to bring a one-off community and tourist facility to the town centre, supporting the mix of uses and increasing the vibrancy of the town centre.

## **9.0 CONCLUSION**

- 9.01 In view of the above, I am of the opinion that the application should be supported, even though it is strictly contrary to Policy B3. I am of the opinion that the public benefit outweighs the policy issues, and I therefore recommend approval.

## **10.0 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. The ground floor of the property shall be used only by Faversham Town Council for the public display of historic artefacts and documents associated with Faversham, to include a small retail area associated with same, and ancillary activities, and no other uses, including any other uses within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other order revoking or replacing that Order.

Reasons: To ensure that the ground floor is used solely for the display of historic artefacts and documents associated with Faversham, thus promoting tourism interest within the town centre.

### **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 and, as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was decided 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.