

# Swale Borough Council

## Faversham Creek Neighbourhood Development Plan

### Decision Statement

Section 38A (9) (10) of The Planning & Compulsory Purchase Act 2004 & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### 1. Summary

1.1 Following an Independent examination, Swale Borough Council confirms formal acceptance of the recommendations outlined in the Faversham Creek Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should proceed to Referendum subject to a number of modifications. This Recommendation was agreed at the Meeting of the Swale Borough Council Cabinet held on 25<sup>th</sup> May 2016.

#### 2. Background

2.1 Faversham Town Council, as the qualifying body successfully applied for Faversham Creek to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came in to force on 6 April 2012. A Neighbourhood Area was subsequently designated on the 20<sup>th</sup> February 2014 by Swale Borough Council.

2.2 The Neighbourhood Plan was published by Faversham Town Council for the Regulation 14 Pre-Submission Consultation between 19<sup>th</sup> May and 30<sup>th</sup> June 2014.

2.3 Following the submission of the Faversham Creek Neighbourhood Plan (Submission Version) to the Borough Council in November 2014, the Plan was publicised under Regulation 16 and comments were invited from the public and stakeholders for a further 6 weeks, from 7<sup>th</sup> November to 22<sup>nd</sup> December 2014.

2.4 Swale Borough Council appointed an Independent Examiner, Mr Timothy Jones, in agreement with Faversham Town Council, to review whether the Plan met the Basic Conditions required by legislation and whether the Plan should proceed to Referendum.

2.5 The Examiner's Report concludes that the Neighbourhood Plan does meet the Basic Conditions subject to a number of modifications and therefore can proceed to a Referendum. The Referendum area should be the Town of Faversham, i.e. the Faversham Town Council area.

### **3. Recommendations and Decisions**

3.1 Swale Borough Council has considered all of the recommendations in the Examiner's Report, especially at paragraph 85 where he states that "I consider that it is appropriate that the Draft NDP as modified by my recommendations proceed to a referendum and recommend that it does so, the referendum area being the town of Faversham". The Examiner recommended that the Neighbourhood Plan should proceed to Referendum. Swale Borough Council accepts these recommendations. These recommendations are outlined in Table 1 below.

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21/06/16

**Table 1: Examiner’s Recommendations on the Faversham Creek Neighbourhood Plan**

<b>Number</b>	<b>Page/Paragraph number/ etc</b>	<b>Recommendation</b>
1	Front Cover	The draft NDP should specify a period, either 2016-2031, or 2016 to such year (no later than 2031) as FTC considers appropriate.
2	Page 20, column 1, 2nd paragraph	Replace “plans” with “plan”, “presnts” with “presents” and “creek” with “Creek”.
3	Page 21, column 1	Replace “Disability Discrimination Act” with “the requirements for disabled people that arise by virtue of the Equality Act 2010”.
4	Page 22, column 1, 1st para	Replace “Section” with “paragraph”.
5	Page 24	Either give the area, or delete “(hectares yet to be agreed)”.
6	Page 27 after policy HE4	Insert a new policy: “HE4. New development will be designed to preserve nationally important archaeological remains in-situ. Archaeological remains of local or regional significance will be either preserved in situ or subject to archaeological investigation so as to advance understanding of the significance of archaeological remains that provide evidence of the development of the Creek’s historic maritime and industrial uses. The preservation of evidence of the area’s development during the Middle Ages and of the development of the Faversham gunpowder and boat-building industries will be given a particularly high priority. Development proposals should be informed by discussion with the archaeological adviser used by Swale Borough Council and, where appropriate, by a programme of pre-determination archaeological evaluation in order to determine the nature, condition and extent of archaeological remains that may be present and the appropriate response to these.”
7	Page 32, column 2	Replace “respond” with “response”.
8	Page 33	Replace policy NE2 with: “NE2 The green spaces to either side of the Albion Taverna and between the Upper Brents and Crab Island and shown on the plan on page ... shall be designated as Local Green Spaces.”

9	In an appropriate location	Add a plan that shows the designated Local Green Spaces specified on page 33 column 1.
10	Page 36, column 2	Delete the last sentence on the second column.
11	Page 37	Replace policy INF3 with the following: “INF3 Any new road and footpath surface treatments and street furniture, including signage will be in accordance with the standards specified in the Faversham Creek Streetscape Strategy, and shall be comply with legislation that protects disabled people.”
12	Pages 39 and 40	The plans should either contain a key or direct readers to a key elsewhere.
13	Page 41	Replace policy P1 with the following: “P1 The building and its curtilage are to be used for small business workshops, together with associated educational uses (mixed use B1, B2 and D1).”
14	Page 42, after the first paragraph in column 1	Insert the following: “Archaeological investigation has identified a section of stone wharf walling with a timber staircase leading down to the Creek and the stone base of a crane, each of which is believed to be evidence of the 18th-century gunpowder wharf.”
15	Page 42, 5th indent in column 2	Replace with the following: “New development must have regard for the presence of the adjacent Purifier Building and respond in an appropriate manner to the scale, massing and materials of this existing built form. Modern designs that contrast with the Purifier will be encouraged, as will more traditional designs — both approaches need to be of high quality design. New development must also have regard for the existing uses the adjacent Purifier Building and through location, sound insulation and external and internal layout avoid adverse impact on those uses.”
16	Page 42, 2nd column 6th indent, line 1	Replace “affects” with “effects”.
17	Page 42, after the 7th indent	Add at 8th indent: “Any new development proposal should be informed by further archaeological investigation, including areas that were not accessible for previous investigations. New development should be designed to preserve and better reveal the significance of archaeological remains

		that illustrate the historic role of the wharf as a part of the Home Works of the Faversham Gunpowder Works, including the previously identified sections of 18th Century wharf and crane base, which should be included in publicly accessible space where practical.”
18	Page 43	Replace policy OW5 with the following: “OW5 Any new development must have regard to the presence of the Purifier site adjacent and the impact new development will have upon the setting and must avoid adverse impact on use of this existing building.”
19	Page 43 after policy OW7	Insert a new policy OW8: “OW8 New development should be designed to preserve or enhance evidence of the site’s historic role as part of the Home Works of the Faversham Gunpowder Works as wharfs, including provision for conservation of the 18th Century wharf walls and stone crane base with a wharf edge space and revealing identified archaeological remains as publicly accessible space, where practical. New buildings must be designed to avoid the loss of archaeological remains including by the use of appropriate construction techniques.”
20	Page 47, column 1, first two paragraphs	Replace these with the following: “This site was formerly used by the Frank and Whittome Joinery Company and comprises four buildings: The first, the Chandlery building set at right angles to the Creek, is listed grade II and is an early 19th-century industrial building last used as an office. Attached to the rear of this is the second building, a shed dating from the turn of the 19th and 20th Centuries, which has been re-clad in weatherboarding to the south and west sides. This is currently vacant, but as an attached building would require listed building consent for any alterations that would affect its contribution to the listed building’s historic or architectural interest. The third building is an open shed with a metal-trussed roof with a long elevation to Conduit Street with attached modern offices built in the 1990s. As an industrial building illustrating the working history of this part of the Conservation Area, the form, shape and scale of the open sided shed makes a positive contribution to the character of the Conservation Area. The fourth building is a modern building built for the joinery company (c. 1990), constructed in brick and weatherboard and now occupied by a sail maker. The low level of the building, its sensitive choice of materials (preserving an industrial aesthetic) and its position set back from the Creek’s edge creating a wharf space, means this building has integrated well with the Conservation Area and retained a distinct working edge to the Creek with views over it to the

		<p>surrounding historic buildings.</p> <p>The site provides a long section of timber wharf fronting the Creek with an open space of quay behind, each of which make a positive contribution to the character and appearance of this part of the Conservation Area as part of the historic working Creekside. A slipway within the site provides one of the few points of access for boat launching in this side. The site lies adjacent to the medieval Town Quay and close to the Grade II* listed 15th century warehouse now 'TS Hazard'. The site is likely to have formed a part of the Abbey wharfs from the medieval period and is known to have included a dock in the late 18<sup>th</sup> Century. The potential for a waterlogged environment and the likelihood of successive phases of wharf development, as well as development of buildings and structures for associated uses throughout the site's history creates a high potential for remains of archaeological interest and, potentially, those of national importance."</p>
21	<p>Page 47, from and including the heading "Suggested Redevelopments, Designs and Land Uses" until the end of column 2</p>	<p>Delete all and replace with:</p> <p>"The current nature of the site, including its role as part of the setting of nearby listed buildings should be preserved and enhanced.</p> <ul style="list-style-type: none"> <li>• Land uses could include offices/workshops (Class B1), maritime general industrial (B2 limited by condition) and a gallery (Class D1) and some limited car parking, but not dwelling houses (Class C3). It may be possible to permit new buildings consistent with the site's current character. If so, they should be constructed in yellow stock brickwork and slate roof with metal framed windows.</li> <li>• In the event of any substantial development on the site a Creekside walkway must be provided along the frontage of the site in front of all the buildings.</li> <li>• Moorings to be provided along the frontage suitable for a range of sizes of craft.</li> <li>• Any redevelopment will need to provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by Southern Water. There should be an adequate gap between the wastewater pumping station and development to allow odour dispersion and help prevent an unacceptable impact from vibration. Development proposals must ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes.</li> <li>• Close to this site is the junction of Quay Lane and Conduit Street. The Faversham Creek Streetscape Strategy sets out a project to form a sitting-out area for the Faversham Creek Hotel and formation of a square with better quality paving, measures to encourage slower</li> </ul>

		<p>traffic including a shared surface and measures to improve the boundary treatments of adjoining sites.</p> <p>The neighbourhood plan places responsibility firmly upon any applicant to demonstrate the appropriateness and suitability of their proposed design through the formal planning application process. This demonstration must be made with regard to the range of policies in this neighbourhood plan, not just the site-specific ones. It must also comply with the Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66 and 72.”</p>
22	Page 48, column 1	<p>Replace policies SWQ1 and SWQ2 with:</p> <p>“SWQ1: Use classes: the site shall be used for a mix of office and workshops (Class B1) retail, maritime general industrial (Class B2 limited by condition), and may be used for a gallery (Class D1). It shall not be used for dwelling houses (Class C3).</p> <p>“SWQ2 Public walkways shall be created along the Creek frontage and to the extent that is consistent with the site’s character through the site from Belvedere Road”.</p>
23	Page 48, after policy SWQ3	<p>Add the following:</p> <p>“SWQ4. Existing buildings and features identified as making a positive contribution to the character and appearance of the Conservation Area, both within the site and in its surroundings should be retained and where practical enhanced, within proposals for new development through the careful design of new buildings and landscaping and sensitive reuse of historic structures. In conformity with National Planning Policy Framework and National Planning Practice Guidance, the optimum viable use of the site will be considered as that which best sustains and reveals its historic significance as part of the Conservation Area, whilst ensuring its future maintenance.</p> <p>SWQ5. Development proposals will need to be informed by a programme of archaeological assessment, possibly including evaluation, completed according to a written scheme of investigation agreed with the Swale Borough Council. The design and construction method of new development will be required to preserve nationally important remains in-situ. Where it might be agreed that archaeological remains might be removed as part of development this will need to be in accordance with a programme of archaeological works agreed with Swale Borough Council and designed to advance understanding of the significance of the archaeological assets to be lost.”</p>
24	Page 54, column	Replace with:

	1, 4th indent	“The open character of the curtilage and isolated position of the house must be maintained and enhanced. Parking in front of the building is considered inappropriate.”
25	Page 54, column 1, 5th indent	Replace with: “To the south of Standard House, including the existing later industrial building and vacant land, there is potential for new development to provide housing of two storeys in traditional materials.”
26	Page 54, column 2, policy STH4	Replace this with: “STH4. Any new housing development must be of no more than two storeys and should be located to preserve the prominence of Standard House as a landmark on the Creekside in views along the Creek and from Standard Quay and the footpath.”
27	Updating	Where indisputable primary facts change, the draft UDP should be appropriately modified. For example, if the change to the name of Davington Priory Ward occurs before the referendum, pages 7 and 29 should be modified accordingly.