

Minutes of the Faversham Creek Neighbourhood Plan Steering Group Meeting: Tuesday, 15 October 2013

Present

Nigel Kay, Faversham Town Councillor (FTC) – Chairman
Mike Cosgrove, Swale Borough Councillor (SBC) – Vice Chairman
David Simmons, Mayor, Faversham Town Council
John Coulter, Faversham Town Councillor
Mike Henderson, Swale Borough Councillor
Anne Salmon, Faversham Creek Consortium Management Group member
Professor Christopher Wright, Faversham Creek Trust
Kirsty Northwood, Faversham Traders Group
Janice Hennessey, Faversham Creek Management Company
Janet Turner, Faversham Society
Hilary Whelan, Brents Community Association

In attendance

Jackie Westlake, Faversham Town Council Clerk – Secretary
Natalie Earl, Senior Planner, Swale Borough Councillor

Before the start of the meeting, the Chairman took questions from the public. These are attached at Annex A.

The Chairman welcomed Janet Turner, Faversham Society, and reminded everyone that the national criteria for NPs were:

- they must have appropriate regard to national policy (NPPF which looks at viability and deliverability)
- they must contribute to the achievement of sustainable development
- they must be in general conformity with the strategic policies in the development plan for the local area
- they must be compatible with human rights requirements
- they must be compatible with EU obligations

Therefore, the Neighbourhood Plan was important to protect the Creek from inappropriate development, some of which had already happened, and to support the wider vision and objectives for the Creek.

1. Apologies for absence

1.1 There were apologies for absence from Cllr Trevor Payne, Brenda Chester and John Sell.

2. Minutes of the last meeting and matters arising.

2.1 The minutes were agreed. All matters arising had been dealt with except the following:

- Natalie Earl (NE) to discuss the consultant's recruitment process with SBC HR. NE said that SBC was content for a member of the Steering Group to sit on an interview panel should there be agreement to recruit. Cllr Nigel Kay (NK) and Professor Chris

Wright (CW) both expressed a willingness to be part of the recruitment process.

ACTION: NE to liaise with SBC

- Cllr Mike Cosgrove (MC) notified the Group that he was still working on the commissioning of a study on marine-related activity around the Creek

2.2 Declarations of interest: Cllr John Coulter (JC) declared a pecuniary interest in Shepherd Neame; Cllr Mike Henderson (MH) declared a pecuniary interest, as a landowner, in land on the Creek between the Albion public house and the inner basin. He declared a non-pecuniary interest as a SBC Councillor and for his membership of the Brents Community Association. Janice Hennessey (JH) declared a pecuniary interest, as a landowner, on the Belvedere Road. In correspondence, Cllr Mike Cosgrove (MC) had declared non-pecuniary interests as a Swale Borough Councillor, Bensted Charity Trustee, Chairman Faversham Creek Consortium, Director Faversham Consultancy Services Ltd.

3. Site proposals for Town Council consideration

3.1 Anne Salmon (AS) gave a detailed summary of the site report. The summary is attached at Annex B [Secretary's note: the summary report has not been amended to take account of the following discussion]. The Group had a brief discussion about the general principle of development beyond a certain distance from the Creek edge. It was agreed there would need to be careful wording on the matter but that, in general, the rule should be a minimum of 4 metres between the Creek edge and any development. This would ensure sufficient space for people to walk, and moor and work on boats. The Group then went on to consider the 12 sites in detail. The discussion would be reflected in amendments to the report.

Shepherd Neame

(JC left the room during the discussion.) It was agreed SN should be consulted before any reference to it featured in the NP.

Purifier

The Group discussed whether there was, at present, a nil use to the building, although preferred use had already begun. There was some discussion as to whether the Faversham Creek Trust (FCT) representative should be present during the discussion and whether the formal committee structure was, therefore, appropriate. It was agreed the report should state that preferred use had commenced but would require planning permission.

Ordnance Wharf

(CW and MH left the room.) Hilary Whelan (HW) spoke of the Brents Community Association (BCA) proposals for a community boatyard to provide constructive activities for young people in Davington ward. A written response to the site proposals report had been circulated to the Steering Group that morning. JH said there was no evidence that

alternative use would not be viable and deliverable. Some members expressed the preference for Ordnance Wharf to be non-residential as it was in the heart of the inner basin and an ex-industrial site. Others felt that mixed use would be a fair compromise as wholly industrial would not be acceptable to residents in West Street and the surrounding area. Kirsty Northwood (KN) proposed that the wording of the document be broad enough to enable other, viable options to be brought forward. There was some discussion as to whether the Steering Group should work with community groups to explore the viability of the community boatyard option, but this was not approved. It was agreed that, should any community or other group wish to present a viable alternative use for the site, this would be considered during the drafting of the NP. NE reminded the Group that SBC's Economic Development Team would work with community groups to help draw up a business plan.

BMM Weston

(CW and MH left the room.) The proposed wording was agreed although it was stressed that it would need further consultation with the landowner.

Frank and Whittome

HW proposed that any discussion should be in conjunction with the Swan Quay proposals. The Steering Group voted 7 to 2 to continue with separate discussions. AS made the point that the wording had been in the light of the feedback from the exhibition, which had given clear support for the proposals. The Group voted 8 to 2 to agree the wording without changes.

Swan Quay

HW stated the BCA was against the housing development and was in favour of an alternative approach that would use the site as a creative and cultural quarter. There was some further discussion about the flood risk and viability of the overall development proposals. JH said there was no evidence that alternative use would not be viable and deliverable. On a vote of 8 to 3 the wording was agreed with amendments that there should be a maximum of two storeys above the ground floor and the pontoon as part of the walkway should be refused.

Oil Depot

It was noted that Provender Walk was not a public walkway. Provided that was amended, and the reference to new owner removed, the Group unanimously voted in favour of the proposals.

Coach Depot

NE said the car wash had lost its appeal. The reference would need to be amended. The Group agreed that "active" use should be redefined as "commercial". It was also agreed that there could be a higher elevation to act as a "full stop" at the corner of the group of buildings. JH said there was no evidence that alternative use would not be viable and deliverable. The reference to railway tracks should be amended to crane tracks. The Group agreed the proposals with those amendments.

Standard Quay

The Group recognised that, because of the two planning issues (planning appeal and retrospective planning application) any proposals would be challenging to put in writing at this stage. NE's advice was sought on the precise wording once the planning matters had been resolved. The Group unanimously agreed that the wording should recognise that Standard Quay buildings, setting, styling and collective use were key parts of Faversham's heritage. The Group also unanimously agreed to amend the wording to include the need to emphasise the importance of maritime-related uses on one of the last remaining quays in Faversham.

Standard House

The Group discussed the question of access via New Creek Road and whether the area in front of Standard House was a designated highway (listed in the KCC Highways Gazetteer as a single two-lane carriageway – P1552 - extending 179.56 metres). There was some discussion as to whether the wording should be amended to include reference to consideration given to a small hotel. The Group voted 6 to 4 to retain the original proposal.

Fentiman's Yard

The Group unanimously agreed the proposal.

Brents Industrial Estate

The Group unanimously agreed the proposal with an amendment to encourage general improvements to the appearance of the site in the long term.

Iron Wharf

HW said that the BCA did not wish to see the gentrification of the boatyard, particularly with reference to improvements to the footpath. It was noted that, as a statutory footpath, it was 10 metres wide to enable boat repairs to be carried out along the footpath. The Group unanimously agreed the proposals.

It being 10pm, the Mayor, David Simmons (DS) proposed, seconded by JC, that Standing Orders be suspended to enable the meeting to continue to 10.30pm

Streetscape improvements

The Group discussed the need to designate Crab Island and Town Green as Local Green Spaces (cf NPPF 76/77) within the NP, and whether they needed further protection. It was suggested that Town Green could not have more protection than was already available in law. The Group agreed that the areas should not be over-managed and that planting (with native species) would be preferable to landscaping.

The Steering Group thanked AS for all her work on the paper, an amended version of which would go before the Town Council.

ACTION: AS and JW to confirm amendments to the paper. JW to circulate to the Town Council with the minutes of the meeting

4. Communications and engagement

4.1 JW reminded the Group that the communication and engagement of the community on the draft NP would need agreement and action by the end of the calendar year.

ACTION: Members to bring proposals for communication and engagement to the next SG meeting

5. Budget

5.1 There had been no further expenditure on the NP budget since the last meeting.

6. Any Other Business

6.1 The following were raised under AOB:

DCLG workshop: JW gave a brief update, and made the following points:

- current arrangements for funding would continue next financial year
- IT links to basic conditions and consultation statements by the successful Neighbourhood Plans had been circulated
- Plans had to show conformity, be deliverable and be robust
- NPs were about positive planning and should not promote less development than the current Local Plan shows
- For Faversham, the current Local Plan would be in the forefront of the examiner's mind, but the developing Local Plan will be taken into account
- SG needed to put itself in the shoes of the independent examiner, the voter, the developer and the planning authority
- Money – Parish councils with a Neighbourhood Plan would get 25% of CIL, uncapped. Without, they would get 15% capped at £100

Compulsory Purchase Orders: MH asked this be brought before the next meeting.

Community Right to Buy and other community rights within the Localism Act: HW asked these be brought before the next meeting.

ACTION: JW to place on the agenda

7. Date of the next meeting

7.1 Tuesday, 12 November.

QUESTIONS FROM MEMBERS OF THE PUBLIC

Q. The consultation feedback identified boats, barges, wildlife and open areas as what people wanted. They feared creekside housing development. Did the Steering Group think that a plan based on housing-dominated land use proposals would get through a referendum?

A. The paper before the Steering Group was a draft only and had not been agreed. It reflected the agreed vision and objectives.

Q. Had there been a previous register of interests?

A. There had not been a formal register, but all Councillors had to declare interests which were published on the SBC website (Faversham Town Council webpage has a link). The Terms of Reference set out there should be a record of Steering Group members' interests

Q. Has any member of the Steering Group advised landowners in any capacity, including professionally?

A. Janice Hennessey said that, although she would need to check, it was possible that she had undertaken a valuation of property for a landowner on the Creek. All other members stated they had not advised landowners.

Q. On viability issues why had the consultation been ignored re: other proposals?

A. The consultation had not been ignored, and had guided the draft site proposals. Where consultation proposals had not been considered viable, it was made clear in the report.

Q. Why was Swale Borough Council not prepared to consider Compulsory Purchase Orders (CPOs) on the Creek when it had done so in Sheerness (Dockyard Church)?

A. CPOs had to be undertaken through existing legislation (for example, a statutory repair notice). The church was in a serious state of disrepair to such an extent the structure was under threat. SBC served a repair notice under the provisions of the Planning Acts and, as the repairs had not been carried out by the owners, they served a CPO and acquired the building. This was immediately sold to the Spitalsfield Trust who had undertaken to carry out the repairs for which they had funds. In all CPOs, the Council has to consider whether legal costs of pursuing CPOs were in the public interest.

Q. Does the draft Local Plan housing allocation for Faversham have any impact on the housing allocation for the Creek?

A. There was significant pressure to build new homes in Swale. Faversham's allocation was about 900. There were larger sites also being considered, which would put pressure on the natural boundaries of Faversham. For the Creek, the viability of housing had been estimated at about 100. In terms of overall housing pressure, it was not a question of either/or.

Q. What would be the proportion of social housing?

A. The SBC requirement is for a target of 30% of affordable housing where 15/more units are to be built. Under the NPPF, if developers bring forward costed arguments that they cannot afford to deliver that target the local planning authority might be forced to accept a lower target.

Q. Under the current Local Plan, creek policies have been judged to be acceptable under the NPPF. They say there should be no more housing on the Creek. Why is housing now being allowed?

A. The Local Plan was written in 2008, since when a new draft was prepared in 2011/12. This has been reviewed in the light of increasing pressure on housing targets. A further draft has been put out for consultation. The closer we get to the delivery of the new Local Plan, the weaker some of the original policies will be. The current draft is silent on policies around the Creek (it refers to NP1).

Q. Why, if there is pressure to build more housing, do figures show there are 700,000 empty premises (including commercial premises)?

A. There are few empty premises in Faversham, and the latest figs suggest SBC local plan is still underestimating need. [Secretary's note: Natalie Earl has provided the following information: In 2011 Swale had 1,784 empty houses - 2.99% of the total housing stock. The housing projections model that Swale use for the Local Plan already makes an assumption about the number of empty homes in the area in order to avoid double counting¹.]

¹ Kent County Council's Analysis and Information Team

Summary of land uses for sites and streetscape

Introduction

The report is structured by site and includes:

Existing use

If the boundary of the site on the sites plan needs to change

Suggested uses for the site

Whether these are in line with the feedback or not. If not why the land owner's preferred use is suggested

What Streetscape improvements are desirable on or near the sites based on the Creek Streetscape Strategy

How this could be funded

Which of the Objectives are met by the suggested uses and Streetscape recommendations

It is accepted that there is a desire to create a continuous footpath around the creek, an openable bridge and working sluice gates.

The sites

Shepherd Neame bottling hall was identified in one of the drawings exhibited in June. Feedback identified that a walkway would be desirable as a long term aim. This is dependent on the building being redeveloped and resolution of the present changes of level. It is in accordance with Objective 8 to improve access from Davington to the town.

Site 1-the Purifier. Faversham Creek Trust uses this for workshops and training in maritime skills, class B1, some B2 and D1 dependent on the extent of training. Feedback strongly supports retention of this use.

It is suggested that it should be regularised with a planning permission. This is in accordance with Objective 6, to find a sustainable use for the Purifier and Objective 3, to reinforce the area's importance for maritime activity.

Close to this site Streetscape identifies improvements to the footpath from the Morrisons roadway onto the quay which could be achieved by pooled funding with possible help from Shepherd Neame.

Site 2-Ordnance Wharf

This is a vacant site with a nil use. A team from the Steering Group met the owner and their agent.

The suggested use is a workshop and parking at ground floor level with housing units above, two further storeys, with the windows of principal rooms facing Brent Road. The buildings to be of traditional materials. This would be in accordance with Objective 11 to provide housing in a mixed use environment.

It is not in accordance with the feedback because without a residential use of the upper floors, the development would not be viable nor an efficient use of the land. A walkway, wider on the Purifier side would give access to the end of the wharf and new moorings should be publicly managed so that they are not limited to the occupiers of the site. This is in accordance with Objective 3.

Streetscape recommends works to improve the surface of Flood Lane and the junction between Flood Lane and Brent Road. This could be achieved from pooled funding or contributions from development on Ordnance Wharf. Biodiversity could also be improved here. This would be in accordance with Objective 8 and Objective 7 which is to create a better range of habitats.

Site 3-BMM Weston. This comprises three separate elements. It has not been possible to meet with the landowner yet.

The car park has a tarmac surface with a wire mesh fence.

It is suggested that this should be landscaped to provide parking with a better surface and some planting to create a better environment. The footpath should be widened and made more suitable for a wider variety of users. (Streetscape also recommends something similar) It would be desirable to create a quayside by piling and backfilling to allow for moorings. This would need to be funded by pooled funding².

This is in accordance with the feedback and is in accordance with Objective 3 and Objective 8.

For the factory site, there is an existing planning permission to rebuild the northern part of the building for offices for BMM but this was not completed. Any new mix of uses should be in accordance with Objective 12, to create a living and working environment that responds to the creek's outstanding industrial and maritime heritage, demands for high performing standards of sustainable development and supports the aspirations of existing businesses.

Close to this site is the open green between the footpath and Bridge Road.

Streetscape recommends connecting up this footpath and suggests materials. This is in accordance with Objective 8. This could be achieved by pooled funding.

On the office site, there is an existing planning permission for a block of housing. Any new scheme would need to be carefully designed with regard to scale and massing and overall design as the site is very visible. Development on this site is likely to need to comply with the affordable housing requirement.

Site 4-Frank and Whittome. A team from the Steering Group has met the owner's agent.

This includes the parts of the complex used by Creek Creative (Class B1 with ancillary A1 and A3) and other parts used as storage by local builders.

The site boundary is not shown accurately on the sites plan.

Feedback indicated that all the buildings should be kept. Part nearest to Smack Alley is modern and could be rebuilt to the same scale and an extension could be erected on the Belvedere Road elevation to replace an existing single storey element in connection with bringing more of the building back into use.

It would be preferable to retain Creek Creative and to convert the remainder of the building as a mix of class B1 offices and workshops and residential. This is in

² Pooled funding could derive from Community Infrastructure Levy (CIL) or by assembling funding from s106 agreements on a number of developments

accordance with Objective 6 and also Objective 9 to create a greater diversity of land use.

This is in accordance with the feedback.

Site 5-Swan Quay. A team from the Steering Group met with the owner's agent. There is currently a large vacant shed with an attached vacant modern office. The listed blue building is used as an office with a vacant modern workshop behind. The front building is used by a sailmaker and is a modern building.

A development of three main blocks of buildings set at right angles to the quay is suggested. Uses at ground floor level could include a gallery (D2) craft workshops and starter business units (B1) a new location for the sailmaker and specialist shops, possibly a cafe. The upper floors would be residential and comprise three storeys, one in the roof. This mix of uses is in accordance with Objectives 11 and 12. The ground floor uses are in accordance with Objective 4 to create additional arts, retail and leisure opportunities to make the creek a destination.

The ground floor uses are in accordance with the feedback, but not the residential above. However, residential use on the upper floors is necessary to make the development viable and is a more efficient use of the land.

Walkways across the front of the site should be in front of the buildings, not on pontoons and should link to either side. Moorings should also be provided. This is in accordance with Objective 3.

Streetscape recommends a re-modelling of the junction of Quay Lane and Conduit Street to define the pedestrian areas better and to create a square. This could be achieved from pooled funding with help from contributions from adjacent development.

Site 6-Oil Depot. It was not possible to meet with the owner as the site is in the process of changing hands.

This is a vacant site. It is surrounded on two sides by housing.

The previous owner suggested a scheme of 18 houses of three storeys to be built in traditional materials. This would be in accordance with Objective 11.

A walkway should be created to link up with those to either side. Moorings should also be provided. The latter would be in accordance with Objective 3. Capital dredging is required here as there has been no use of the waterfront for a considerable time.

Provision of the walkway and moorings are in line with the feedback. There was some support for housing on the site.

Site 7-The coach depot. A team from the Steering Group met the owner and their agent.

Existing use is a car wash and a single storey workshop with a car repair business one end and storage for architectural salvage the other. There is a separate office building.

It is recommended that any new development should be designed as two separate buildings with a gap between them in line with Abbey Road. The building nearer to Standard Quay should have active uses to the Standard Quay elevation and Abbey Road elevation including a chandlery and other retail shops, craft workshops and showers and toilets for boat users. The building closer to the oil depot should include parking and small commercial use at ground floor level. The upper floors of the first building should be flats with the building comprising two and part three storeys above ground floors level and the second as holiday lets as the town lacks this form of

holiday accommodation. The buildings should be of traditional materials with a varied roofline including characteristic waterside elements. This form of development would comply with Objectives 11 and 12 and the ground floor uses would be in accordance with Objective 4.

A walkway should be provided across the frontage linking with sites either side together with moorings. The latter would be in accordance with Objective 3.

The walkway, moorings, ground floor uses of one of the buildings and the gap between the buildings were supported in the feedback. There was limited support for any residential use on the coach depot. It is considered that provision of a range of commercial uses without any residential uses above would not be an efficient use of the land and would not be viable.

Site 8-Standard Quay. A team from the Steering Group met the owner and their agent.

The site includes a mix of craft workshops and storage in the black sheds, retail and a nursery with cafe in the Old Granary and one of the green sheds, with a workshop in the other. It includes ancillary car parking and moorings including some houseboats. Pedestrian access is available along the creek frontage and between the buildings

The boundaries of this site should be amended to include the land in front of Standard House and extending to Oyster Bay House which is in the same ownership.

There are 5 workshops in building 2 (one let as a beauty shop-A1) and another used as storage for the barge Greta (B8) and one to a welder. (B1) The other two are empty. There is an upholstery workshop in building 4 (B1). Building 1 includes a public toilet and part is at present used for furniture sales.

There is a current planning appeal on building 1 for use as a museum (D1) and restaurant at ground floor (A3), function room above and small ground floor extension. This is due to go to a hearing in December 2013. There is an unauthorised wine bar (A4) in building 3, likely to be the subject of a planning application shortly.

The Old Granary is mostly retail on both floors plus a garden centre and it is intended to retain these uses which benefit from planning permission. There is also an antique warehouse in one of the green sheds which it is intended to retain.

The second green shed nearer to Standard House includes a specialist vehicle repairer(B1/B2). It is intended to reduce the length of this building and add housing fronting onto New Creek Road.

The provision of a walkway and moorings is supported by the feedback. The mix of uses in the black sheds comprises mainly B1 uses. This is the same use class as maritime workshops such as shipwrights and other boat repair crafts favoured in the feedback. Several of the existing users already work on boats including two welders. The provision of housing only on the rear of the site at the rear of the longer green shed is also supported by feedback.

The mix of uses at present at Standard Quay attracts visitors including tourists and is one of the most used sites along the creek. If approved, the uses in buildings 1 and 3 are of a type which would attract further visitors and this would be enhanced by improvement of the walkway and better moorings for large craft. This is in accordance with Objective 4. The uses of the building would be viable ones in accordance with Objective 6. Better moorings are in accordance with Objective 3.

Streetscape recommends brick pavers between the buildings and an aggregate surface to the roadway between the buildings which could be achieved from pooled funding or from a developer contribution.

A wider and better footpath from the boundary with Standard House to the boundary with Oyster Bay House should be created and a path along the quay at Hucksteps Wharf around the edge of the car park would be desirable and both would be in accordance with Objective 14 to improve pedestrian links to the marsh.

Site 9-Standard House. This is based on a discussion between Swale Council and the owner.

The site is a vacant house with a vacant workshop backing onto New Creek Road and fenced-off overgrown land.

The house which is listed grade II should be refurbished with new front steps and new slate roofing and all necessary internal works.

The remainder of the site should be used for housing but kept away from the north side of the building itself at the front as this is visible from long distances. Access for the building itself and new housing should be from New Creek Road. The provision of additional housing in the context of the mix of uses in the vicinity is in accordance with Objective 11. The scale and design of any new housing should maintain and enhance the townscape setting of the creek in accordance with Objective 13.

There was no consensus in the feedback on land use to the north of Standard House but consensus for using it as a house and the land behind it.

Site 10-Fentiman's Yard

This is currently a storage yard associated with a former business.

It is suggested that the site should be used for housing, kept lower than the Old Granary and with parking on the site. Development should consist of 2-3 houses so that it does not increase the density of this fairly informal area of the town. Materials should be similar to those in New Creek Road or Abbey Road.

This is in accordance with feedback.

Site 11-Brents Industrial Estate

Existing use as a mix of B1 and B2 industrial uses. Some of the units are vacant.

It is suggested that the site should remain in class B1 and B2 uses as at present.

This is in line with feedback.

Streetscape recommends improvements to the footpath along Waterside creating a ramp onto the marsh. Finance is in place for this and it is under discussion.

Streetscape also recommends re-routing the footpath at Crab Island through Faversham Reach. This is likely to be the subject of a public inquiry and potential finance is in place. Both would be in accordance with Objectives 8 and 14.

Site 12-Iron Wharf, Oyster Bay House and Alan Staley boatbuilder.

The sites are used respectively as a boatyard, residential house and garden and a working boatbuilder with slipway and storage.

The boundary of the site as defined on the sites plan includes land in three ownerships and its description needs to be changed.

The boatyard extends from the creek frontage to the old sewage works at the bottom of Abbey Fields and both sides at the head of Chambers Dock. It includes houseboats, boat storage, work on boats, moorings and roadways that were former railway lines identified as undesignated heritage assets.

It is suggested that the use of the boatyard area remains as existing. This is in line with the feedback.

The second area is Oyster Bay House and garden . This site includes a footpath. It would be desirable to widen and provide an all-weather surface to this as it forms part of the Saxon Shore Way.

Alan Staley's boatbuilding shed and yard is also separated from the slipway by a footpath with a narrow pinch point onto Iron Wharf. Improvement of this footpath and the one through Oyster Bay House Garden would be in accordance with Objective 14.

Other Streetscape Improvements

A number of other Streetscape improvements are suggested, all derived from the Creek Streetscape Strategies, all with suggestions for how they could be funded from pooled funding from development or from ongoing town streetscape funding.