

- a) **DOV/18/00300 – Erection of two-storey side and three-storey rear extensions to facilitate conversion into 19 no. self-contained flats and a public house; formation of vehicular access and parking (mixed Use Class C3 and A4) – Aylesham Sports Club, Burgess Road, Aylesham**

Reason for report: Called-in by Cllr Keen due to very strong local community concerns regarding the loss of a community facility and inadequate replacement bar, and due to the number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) Planning Policies and Guidance

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,000 (around 7%) is identified for Aylesham.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM3 – Permission for commercial development in the rural area, will be granted, provided it is at a rural service centre or local centre and is consistent with the scale and setting of the settlement, or it is at a village provided it would not generate significant travel demand and is consistent with the scale and setting of the settlement. In all cases the development should be within the settlement confines, unless no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.

- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.
- DM24 – Planning permission for the change of use of a rural pub will only be granted if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer viable and genuine attempts to market the premises as a pub have failed.

#### Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

#### National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.

- Chapter five of the NPPF seeks to deliver a sufficient supply of homes. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities

Where vacant buildings are to be reused or redeveloped, the affordable housing contribution should be reduced by a proportionate amount equivalent to the existing gross floor space of the existing buildings.

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- Chapter six seeks to, inter alia, support a prosperous rural economy by retaining and developing accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion. Policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven requires that land is used effectively, including the promotion and support of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fifteen requires that biodiversity is protected and enhanced by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursuing opportunities for securing measurable net gains for biodiversity.
- Chapter sixteen requires that development conserves and enhances the historic environment. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### d) **Relevant Planning History**

DOV/15/01113 – Change of use and conversion of existing sports club to provide 21no. self-contained flats to include two storey side extensions(to north and south) and two storey rear extension – Withdrawn.

DOV/16/00192 - Change of use and conversion of existing sports club to provide 21 self-contained flats to include two storey side extensions (to north and south) and three storey rear extension – Refused and dismissed at appeal

DOV/17/00736 - Erection of a two storey side and rear extension to facilitate conversion into 21no. self-contained flats and creation of parking (existing dwelling to be demolished) - Refused

e) **Consultee and Third Party Responses**

Crime Prevention Officer – The applicant has addressed crime prevention in their application, but has not contacted Kent Police to discuss the scheme.

KCC Highways and Transportation – *Original response received 4<sup>th</sup> May 2018*

The combined total parking requirement for the proposed flats (23) and public house (14) is 37 spaces. The parking for the public house is a maximum figure and it is likely that some patrons will walk/cycle in this location; therefore the total of 33 spaces provided on the site is acceptable. However, this means that 10 spaces should be available for the public house element. I also note that only two of the spaces currently shown for the public house are likely to be usable in the constrained layout indicated. The site layout therefore needs to be amended to resolve the above.

Clarification is required on the proposed servicing arrangements for the public house, the anticipated number and size of service vehicles, and where such vehicles will park.

*Subsequent response received 7<sup>th</sup> August 2018*

I refer to the amended plans submitted for the above and note that access is now available for the likely size of delivery vehicle, together with improved parking for the pub. I therefore now have no objections in respect of highway matters subject to the following being secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - Routing of construction and delivery vehicles to / from site
  - Parking and turning areas for construction and delivery vehicles and site
  - personnel
  - Timing of deliveries
  - Provision of wheel washing facilities
  - Temporary traffic management / signage
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the use of the four visitor spaces shown on the flat site for customers of the pub when necessary.
- Use of a bound surface for the first 5 metres of the accesses from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the new access shown on the submitted plans including the necessary vehicle crossing in the footway, prior to the use of the site commencing.
- Provision and maintenance of 43 metres x 2 metres x 43 metres visibility splays at the new access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.
- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the new access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- No gates to be erected at either access.

KCC Economic Development – Request that contributions towards library book stock (for Aylesham Library), totalling £960.32, are provided. No contributions are requested for primary or secondary school places. It is also requested that an informative is attached, recommending that the developer provide superfast broadband.

KCC SUDS – No comment

Environmental Health – No objection, subject to conditions covering: a scheme of sound insulation from the railway; a scheme of sound insulation between the pub and residential areas; unsuspected contamination; and a construction management plan.

Southern Water – At present, there is insufficient capacity to provide foul sewerage to the development without increasing the risk of flooding, unless network reinforcement is undertaken. This will be provided through the New Infrastructure changes; however, Southern Water request that a condition be attached to any grant of permission to ensure that the occupation of development be phased to align with the delivery of sewerage infrastructure to prevent an increased risk of flooding.

There are no dedicated public surface water sewers in the area, so an alternative means of draining surface water is required.

Alternatively, foul and surface water could be connected to the existing system, if flows were proven to be no greater than existing flows. A condition is recommended requiring full details of foul and surface water drainage be submitted for approval.

Aylesham Parish Council – Object:

- Loss of another community asset
- Lack of infrastructure and facilities within the village
- Lack of affordable housing
- Lack of car parking
- Additional traffic and congestion
- Harm to the character and appearance of the area
- An application has been lodged with Historic England to list the application building
- The application does not address crime prevention
- Concerns regarding foul and surface water disposal
- The application would lead to a greater loss of public floor area (public house and upstairs multi-functional space)
- The loss of the building would be contrary to DDC's Heritage Strategy

Public Representations – Twenty-four letters of objection have been received, raising the following points:

- Insufficient car parking
- There is no need for flats in Aylesham
- Additional traffic
- Other facilities are needed, not houses or pubs
- Lack of amenities in the village
- The development would be out-of-keeping with the street
- Noise
- There has been peace and quiet since the pub closed
- Loss of property value
- The proposed pub, and its kitchen, is too small

- The proposed pub would not be viable
- The pub garden would necessitate the closure of a PROW
- The building is more than a bar, it was a multi-functional space for the community
- The loss of public floor space would be greater than the application has presented
- A strong condition should be attached, if permission is granted, to guarantee the continuing provision of a community facility
- The building is a heritage asset and regard should be had for the Heritage Strategy
- An application has been lodged to have the property listed by Historic England
- The building should be an old peoples home

Seven letters of support have been received, raising the following points:

- It would be good to have a village pub again
- Provision of affordable housing
- There will be plenty of parking, although most people will walk
- The previous pub was not viable, so flats for older people (down-sizing) and young people (first time buyers) would be perfect
- The front elevation of the building would enhance the appearance of the immediate locality
- The reduced size of the pub would make it more viable
- There is a need for more housing (particular flats for young people)

On neutral letter has been received, raising the following points:

- There were instances of crime and disorder at the former pub
- There are lots of facilities in the village
- The investment in the site and overheads would be a huge risk
- The flats would provide an opportunity for young people to buy a house in the village
- People choose not to use the facilities which are available

- f)
1. **The Site and the Proposal**
    - 1.1 The site lies to the east of Aylesham, outside of the settlements and within the countryside. To the south is a designated public Open Space. This part of Aylesham has a strong character of two storey semi-detached and terraced dwellings. The application site, together with several buildings to the north west of the site, departs from this character.
    - 1.2 The application site itself is removed from other built development. It contains the public house building, a detached manager's house and outbuildings to the west, all of which are currently vacant. The buildings formed part of the social offering of Aylesham and are contemporary (circa. 1920's/1930's) with the construction of the village, which was a planned settlement related to mining in the area.
    - 1.3 This application proposes the erection of two-storey side extensions and a part two storey, part three storey rear extension to allow the conversion of the building into 19 one and two bedroom flats and a public house with a floor area of 135sqm, following the demolition of the existing manager's house and outbuildings to the rear of the property. Hard landscaping, to provide access and parking space for 33 cars and cycle parking, and soft landscaping is

proposed around the building. The pub would be provided with an external seating area of around 100sqm.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network
- Contributions
- Ecology

## 3. **Assessment**

### Principle of Development

3.1 The lawful use of the existing site is that of a public house, albeit the building has been vacant for some years now. Policy DM24 of the Core Strategy seeks to restrict the loss of public houses in some instances, stating that:

“Planning permission will only be granted for the change of use of a rural [sic] pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises [sic] as a pub have failed”.

3.2 In considering a previous appeal in relation to application DOV/16/00192 (‘the 2016 application’), the matter of whether the use of the building was subject to Policy DM24 was considered. The Inspector commented that whilst the parties disputed whether the premises are a pub or social club, the building includes “a licenced bar, seating areas and a function room on the first floor, and this is capable of forming a social role”. Consequently, the Inspector applied Policy DM24, assessing the proposal as a pub.

3.3 It is not considered that Aylesham is served by an alternative, comparable offer and, as such, the loss of the pub would have the potential to harm the economic and social viability of the community. The applicant has identified a number of other facilities which have bars or meeting halls which can be rented out and some third parties have also referenced these in their representations; however, none of these facilities provide the same opportunities for social cohesion and informal recreation. This is backed up by the Inspector’s findings when she considered the 2016 application commenting that the nearest pubs to the site are about 2km away. Whilst it was also acknowledged that the Aylesham Welfare Leisure Centre has a public bar which can be hired out for events, the Inspector concluded that “if the appeal were allowed, this would reduce the availability of local facilities for the day-to-day needs of the community that can easily be reached on foot. Proposals for around 1000 new dwellings in the village would also be likely to further increase demand for such facilities”.

3.4 Since the previous applications for this site, the scheme has been amended to retain part of the ground floor as a public house. The proposed pub floor

space would equate to around 135sqm which would include a seating area for around 50 people, a 6m long bar, a kitchen of around 12sqm and toilets. By way of comparison, the existing building has a floor space of around 575sqm, comprising a ground floor (approx. 300sqm) containing a bar, seating area toilets and service areas and a first floor (approx. 275sqm) containing an open hall area (formerly used for dances, boxing, functions etc.), a smaller bar and further toilets. The proposal would undoubtedly substantially reduce the amount of floorspace which would be occupied by the pub use and the functionality of the resultant pub would be reduced compared to what the building had previously offered. Concerns have been raised by third parties regarding this lack of functionality, in particular the loss of the multi-functional space at first floor level, the reduction in the number of people who could attend the premises at any one time and the limited size of the kitchen (which could limit the type and range of food available).

- 3.5 The relevant policy test, as described by DM24 is whether the loss [my emphasis] of a pub would harm the economic and social viability of the community that it serves. This application would not result in the loss of a pub and, whilst significantly smaller, it is not considered that the reduced size would be such that the building could not function as a pub or that it would be bound to fail financially. Indeed, evidence has been submitted which (whilst falling short of demonstrating that that existing pub is no longer commercially viable, for the purposes of the second limb of policy DM24), does provide evidence which suggests that the size of the existing premises would present a challenge to any owner and therefore, the reduction in the size of the pub may help to allow the pub to be sustained into the future.
- 3.6 Having regard for the conclusions set out above, it is considered that the principle of reducing the size of the pub, by allow a part change of use is not contrary to Policy DM24 and, as such, is acceptable.
- 3.7 It is also necessary to consider whether the proposed change of use to flats is acceptable. The site lies outside of the settlement confines of Aylesham, which terminate to the western side of Burgess Road and a short distance to the south west across the access into the public open space. Policy DM1 generally restricts development outside of settlement confines, although exception can be made where development would be, inter alia, “justified by other development plan policies”.
- 3.8 Policy DM4 allows for the re-use or conversion of structurally sound, permanent buildings outside of confines provided that, for residential use, the building is adjacent to the confines. The application site is directly adjacent to the confines and, as such, it is considered that the proposed residential use is justified by policy DM4, albeit the development should be of a suitable scale, contribute to local character and be acceptable in all other planning respects. These matters will be addressed later in the report. It is also noted that the reuse of the building is supported by paragraph 79 of the NPPF.
- 3.9 Notwithstanding the conclusions above that the principle of the development is acceptable, the Council accepts that it cannot, currently, demonstrate a five year housing land supply. As such, it is considered that addition weight must be given in favour of the application. However, whilst the weight to be applied to the provision of housing is increased, as this application is the subject of an Appropriate Assessment (which will be detailed below), the tilted balance is disengaged by paragraph 177 of the NPPF.

## Character, Appearance and Heritage

- 3.10 The site lies adjacent to the settlement confines of Aylesham, within the countryside. Whilst it is within the countryside, the site is seen in the context of the village in views from the countryside and in the context of the playing fields and railway line from the village. The site is not, therefore, considered to contribute to the open character of the countryside or the landscape.
- 3.11 Notwithstanding the above, the development must still ensure that it responds to its context, in terms of the scale, density, massing, height, landscape, layout and materials of the area. The site is visible, and at points prominent, in views from the north, west, south and, to a lesser extent due to tree cover and buildings on Ratling Road, east.
- 3.12 The side extensions to the building would produce a well-balanced, symmetrical building and would be subservient in scale compared with the existing building. The fenestration and overall design would respond positively to the regular, orderly arrangement of the front elevation of the existing building. In views from Burgess Road, it is therefore considered that side extensions, whilst producing a substantial building, would not harm the character and appearance of the area.
- 3.13 In considering the 2016 application for the site, which sought to extend and alter the existing building in a comparable manner to that proposed now, concerns were raised that the extensions to the rear of the building would be visible from the public open space to the south of the site and from various points along Ackholt Road, from where it was considered by officers that the scale of the building, and the introduction of a bulky second floor, would harm the character and appearance of the area. Consequently, the second reason for refusal of the 2016 application related to character and appearance. However, in dismissing the subsequent appeal, the Inspector remarked that:

“the rear extension would be no greater in height than the existing roof ridge, and the flat roofs of the two rear wings would reduce the bulk of this element of the proposal. The separate two storey house and other outbuildings at the rear of the social club are to be demolished, and although there would be an overall increase in built form, the rear of the property is enclosed by mature conifer trees along the side and rear boundary and faces out onto woodland and the railway line beyond, and so the visual impact of the rear extension would be limited from Burgess Road”.

The Inspector continued:

“When seen in longer range views from the south and west across the adjacent open space the development would appear as a substantial building. However, the existing social club is greater in scale than the surrounding properties, which are predominantly modest semi-detached and small terraced blocks of two storeys in height. Consequently the prominence of the proposed development within the streetscene would not appear unduly incongruous”.

- 3.14 As such, the Inspector disagreed with the second reason for refusal relating to the character and appearance of the area and the appeal was not dismissed on this basis. The current application proposes identical extensions to the building as the 2016 appeal. Attaching significant weight to the findings of the

Inspector, it is considered that it would be unreasonable to refuse the current application on the basis of character and appearance.

- 3.15 The building is contemporary with the formation of Aylesham, which was a planned development designed by the notable Sir Patrick Abercrombie. This planned development included a range of leisure and welfare facilities, including the application site. The Dover Heritage Strategy includes several chapters which are relevant to the current application. The Settlement chapter of the strategy provides a useful, if brief, overview of the history of Aylesham, stating:

“Snowdown colliery, first opened in 1907 and re-launched in the 1920s, had the greatest effect on settlement in the District. In order to house the miners an entirely new settlement was laid out at Aylesham. A 650 acre site was purchased and housing built for 650 families. The settlement was developed according to a single masterplan designed by Sir Patrick Abercrombie. Although parts of the plan were never implemented, the majority of the design was constructed, including a series of roads framed by Cornwallis Avenue, Milner Crescent and Hyde Place that were shaped to resemble a mine pit head. Despite a substantial extension of Aylesham to the south-west the bulk of the original design remains intact as an important example of early twentieth century industrial town planning”.

Whilst the building is not part of the industrial landscape above the coal fields themselves, The East Kent Coal Fields chapter of the strategy states:

“Emphasis should be given to conservation of the remaining assets of the coal field and in particular the remains of the colliery buildings and those buildings in the settlement areas that provided a focus for the community [my emphasis]”.

Clearly the application building provided such a focus, being part of the planned community at Aylesham.

- 3.16 It is considered that the building is of social and historic significance, both to the residents of Aylesham and more generally. Whilst KCC's archaeological officer has not commented on this application, I adopt his comments in relation to the 2016 application (which is both recent and identical the current application) that, should permission be granted, a condition should be attached requiring a programme of building recording.
- 3.17 Third parties have advised that an application was made to Historic England to have the building considered for listing; however, this application was rejected by Historic England on 9<sup>th</sup> July 2018. The report which rejects the listing of the building concludes that:
- The building is of modest architectural interest. It is a rather uninspiring example of the neo-Georgian style common in the 1930s for public and commercial buildings. The original symmetrical composition has been compromised by the later additions and loss of many of the original windows;
  - The attribution to Sir Patrick Abercrombie is not proven; and
  - The social history of the village of Aylesham and its association with the East Kent coalfields is of clear local and planning interest but the building was constructed as a British Legion Club, rather than having

been specifically built as a miner's social club, thus there is no direct connection to the mining industry.

It is understood that an appeal has been lodged against the decision to reject the application to list the building. This application/appeal for listing is not in itself material to the determination of the current application. The matter would only become material if and when the building is included on the statutory register. Notwithstanding this, the assessment of the application has considered the building as a non-designated heritage asset.

#### Impact on Residential Amenity

- 3.18 The development would be well separated from the nearest neighbouring properties, which lie to the north west of Burgess Road, at a distance of around 10m. Whilst the proposal would site a two storey extension adjacent to the north western boundary of the site, having regard for the separation distance which would be maintained, together with the height of the extension and the location of windows, it is not considered that any unacceptable loss of light, sense of enclosure or overlooking would be caused. No other properties would be harmed by the development.
- 3.19 The proposed public house would be in relatively close proximity to existing residential properties and third parties have raised concerns regarding noise and disturbance. However, regard must be had for the fact that the lawful use of whole of the existing building is for a public house. As such, it is not considered that the development would exacerbate noise and disturbance. Moreover, the reduction in the size of the pub would likely be less than that of the existing use, were it to be reoccupied (which would not require planning permission).
- 3.20 The proposed flats would be of a reasonable size, whilst each habitable room would be served by a window, providing natural light and ventilation. A refuse store would be provided to the front of the site which would have convenient access to the highway for collection. Concern has been raised by environmental health that, without mitigation, the dwellings may be subject to unacceptable levels of noise from the adjacent flats, due to noisier rooms being location adjacent to quieter rooms. However, this concern would be overcome, should a suitably worded condition be attached to any grant of permission requiring that a scheme of sound insulation measures is submitted for approval. Likewise, concern has been raised regarding noise transfer between the public house and the neighbouring flats which, again, could be mitigated through the use of a similarly worded condition.
- 3.21 The development would entail significant construction works, which has the potential to cause unacceptable impacts on neighbours. Consequently, Environmental Health have requested that a condition be attached to any grant of permission requiring the submission and approval of a Construction Management Plan, to include details of dust control, noise and vibration control and limiting working hours to between 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 hours Saturday and no noisy activity taking place on Sundays or Bank Holidays. It is considered that, given the proximity of neighbouring dwellings, such a condition would be reasonable.

#### Impact on the Local Highway Network

- 3.22 The site lies adjacent to the confines of Aylesham. The development would provide 33 off-street car parking spaces within the site.
- 3.23 The spaces for the flats would be accessed via the existing access which serves the pub car park. The parking for the small pub car park would be provided with a new access. The locations of both accesses would provide adequate visibility when leaving the site.
- 3.24 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1. Table 1.1, which relates solely to the residential element of this application, suggests that one and two bedroom flats within village edge/rural locations, such as this, should provide a minimum of one space per unit. In addition 0.2 car parking spaces per unit (3.8 across the site) should be provided. As such, the residential element should provide 23 car parking spaces. Parking provision for the public house should be informed by KCC Guidance SPG4. This recommends that, given the size of the pub a maximum of 14 car parking spaces should be provided (it should be noted that there is no defined minimum number of spaces). Aylesham is relatively well served by public transport, including bus and train services within walking distance. The public house would, in this instance be of a size which would likely draw its trade from the local area and would be unlikely to attract significant numbers from further afield. Given the limited size of the kitchen facilities, it is also likely that a significant proportion of sales would be from the wet trade. It is considered that these factors would be likely to limit the number of patrons driving to the site.
- 3.25 In total the development would provide 33 car parking spaces. 4 spaces would be provided for patrons of the public house to the north of the building. 25 would be provided for the proposed flats, located to the east and south of the building. Finally, a further 4 spaces would be provided to the west of the building, which would be available to both patrons of the public house and visitors to the flats. Overall, given the particular characteristics of the development and its location, it is considered that this number is acceptable. Whilst the split of spaces would provide an over provision of residential spaces and an under provision of spaces for the public house, on balance it is not considered that this would be sufficient to cause a significant adverse impact on the local highway network (and certainly not a severe cumulative impact).
- 3.26 The spaces and areas for turning within the residential part of the site are considered to be satisfactory and would result in a usable provision of car parking and space for vehicles to manoeuvre. As originally submitted, the car park for the public house would have been constrained, with slightly undersized car parking spaces and only limited turning space, reducing the usability of this area. However, amendments have been received which have amended the layout of this area to ensure that all the spaces would be usable. The application has also demonstrated that delivery vehicles could access the site and stop away from the highway whilst deliveries take place. As such, it is not considered that the development would cause severe harm to the local highway network or cause an unacceptable impact on highway safety.
- 3.27 Concern has also been raised that the development would increase the number of vehicles on the local highway network. Whilst it is appreciated that, in particular, Burgess Road is relatively narrow the site is well linked to the wider roads beyond, such as Ratling Road. Whilst the development would undoubtedly increase vehicle movements at times, it is unlikely that this would

be significant. The previous application was not refused on the grounds of highway impacts, whilst the Inspector at appeal did not criticise this aspect of the development.

- 3.28 The application proposes a cycle store to the side of the building, which is capable of accommodating at least 19 cycles. Subject to this being secured by condition, it is considered that the development would provide sufficient cycle parking provision.
- 3.29 For these reasons, the application is considered to be acceptable in highway terms.

#### Ecology

- 3.30 In accordance with previous findings under the 2016 application, the two main buildings on the site have a high and moderate potential for bats respectively. It was recommended that a species specific survey to establish the presence or absence of bats, together with an estimation of their population be provided. Such a report was provided during the course of the appeal and was accepted by the main parties and the Inspector. The report concluded that bat activity recorded during the surveys was low, and no bats were found to be roosting within the buildings on site. In addition, no signs to suggest historic or recent use were recorded during the building inspections. Consequently, it is not considered that bats are a constraint to development.
- 3.31 The statement also identified a high potential for reptiles. Whilst the appeal against the 2016 application was in part dismissed due to the lack of a reptile survey, such a survey has now been submitted. The presence/likely absence survey undertaken (which has been accepted as reasonable) demonstrates that the site supports a very low number of reptiles and, as such, habitat manipulation is an appropriate method for protecting reptiles. A condition should be attached to any grant of permission to secure the proposed mitigation.

#### The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 3.32 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.33 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.34 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.

- 3.35 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 3.36 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation.
- 3.37 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### Drainage

- 3.38 The existing buildings on the site, if reoccupied would generate their own surface water and foul water discharges, albeit the development would be likely to increase foul water flows. Southern Water have requested that, should permission be granted, conditions should be attached requiring full details of schemes for the provision surface water and foul water drainage. In particular, unless the applicant can demonstrate that existing potential flows are equal to or greater than the flows which would be generated by the development, new infrastructure would be required. Whilst there are funding mechanisms in place to secure payments for such work, conditions would be required to ensure that the delivery of the infrastructure takes place in advance of the occupation of the development. Consequently, such conditions would be reasonable.

#### Contributions

- 3.39 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 3.40 Concerns have been raised by the Councils Head of Strategic Housing that the provision of 30% affordable housing with blocks of flats is difficult to achieve. The comment in full reads:

“It would seem that the proposed development comprises a single block of apartments and I recognise that incorporating different tenures within a single block can be problematic. It may therefore be appropriate to consider the possibility that the affordable housing could be commuted off-site by way of either financial or land contribution”.

3.41 The applicant has held discussions with Registered Social Landlords, but no offers have been received. This was also the case when the previous application had proposed an entirely residential development of 21no. flats. Consequently, and following advice, the applicant has adopted the method for determining off-site contributions from development, which is ordinarily used for smaller schemes. This method for securing contributions for the off-site provision of affordable housing requires that a payment equivalent to 5% of the Gross Development Value of the housing development be secured. Negotiations have taken place between officers and the application to agree likely sales values, having regard for recent sales of comparable properties in the area. The new build flats within the Aylesham Village Expansion have not been considered, as these would attract a premium, being purpose built new builds; however, two flats in Aylesham have recently sold for £125,000 and £145,000 respectively. Whilst these both provide two bedrooms each, they are around 45 to 55sqm in size, so are comparable to the flats within the application scheme. Based on an average sales price of £140,000 (which is considered to be reasonable, given the bedroom and floor area sizes of the development), the GDV of the scheme would be £2,660,000 and, therefore, the required contribution (5% of this figure) would amount to £133,000. The recently published NPPF, consolidating advice which had previously been found in the Planning Practice Guidance, advises (paragraph 63) that:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”

Footnote 28 confirms that the ‘proportionate amount’ should be “equivalent to the existing gross floorspace of the existing buildings”. The proposed development would utilise 481.6sqm of floorspace to create 1,202.7sqm of residential floorspace (with other floorspace being retained for use as a public house). This equates to around 40% reuse of the vacant building being reused as described by paragraph 63 and, as such, a 40% vacant building credit should be applied to the contribution of £133,000. This would reduce the figure to £79,800. The applicant has confirmed agreed this figure and confirmed that this can be secured by legal agreement.

3.42 KCC have advised that the development would place additional pressure on local library services, for which there is currently insufficient capacity. To meet the needs generated by the development, KCC have therefore requested a contribution of £960.32 towards library book stock for Aylesham Library. It is considered that this is necessary and reasonably related to the development and should therefore be sought. The applicant has agreed to provide this. No other contributions have been sought.

#### Archaeology

3.43 The site is in an area of high archaeological potential, with crop marks and chance finds being discovered. The proposal seeks to extend the existing building and these extensions could impact upon previously unknown heritage assets of archaeological importance, in particular from the digging of foundations and services. It is therefore recommended that, should permission be granted, an archaeological watching brief take place to ensure that any features are appropriately recorded.

#### 4. **Conclusion**

- 4.1 The principle of the development accords with policies DM4 and DM24, retaining a pub. Whilst the reduction in size would limit the range of services, activities and events which would be offered, it would be of a reasonable overall size to provide a valuable community function and would meet the terms described in the policy.
- 4.2 The scale, form and design of the proposed extensions and alterations of the scheme has already been considered by the Inspector at appeal, when it was determined that the development would cause no harm to the visual amenity of the area or the living conditions of neighbouring properties.
- 4.3 It is considered that the development would be acceptable in all other material respects, albeit the assessment of the acceptability of the parking arrangements is a balanced one. The development would provide a valuable contribution towards the Districts five year housing land supply and, consequently, this benefit must be attributed significant weight. Overall, it is considered that the application is acceptable and it is recommended that permission be granted.

#### g) **Recommendation**

- I Subject to the submission and agreement of a S106 agreement to secure contributions, PERMISSION BE GRANTED subject to conditions to include:-
- (1) approved plans, (2) samples of materials, (3) full details of hard and soft landscaping, (4) scheme of sound insulation, (5) provision and approval of a timetable for the implementation of the residential dwellings and the public house, (6) provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material), (7) provision and retention of cycle parking, (8) provision and retention of access, (9) provision and retention of visibility splays, (10) construction management plan, (11) No gates to access (remove permitted development rights), (12) full details of foul drainage including a timetable for the works and a maintenance programme, (13) full details of surface water drainage including a timetable for the works and a maintenance programme, (14) previously unidentified contamination, (15) ecological mitigation and enhancements, (16) provision of refuse storage, (17) programme of building recording, (18) Archaeology
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett