

Aylesford
Aylesford

28 May 2015
1 October 2015

(A)TM/15/01462/FL
(B)TM/15/02927/LB

Proposal: (A) Change of use from public house (Use Class A4) to residential dwelling
(B) Listed Building Application: Replace ground floor front window and repaint front of building with a white limewash

Location: The Little Gem 19 High Street Aylesford Kent ME20 7AX
Applicant: Mr James O'Callaghan

1. Description:

- 1.1 Planning permission is sought for the change of use of the existing building into a single dwellinghouse. The application does not propose any internal alterations to the floor plan of the building.
- 1.2 Listed Building Consent is also sought for changes to the external appearance of the building. These changes are limited to the repainting of the front of the building with a white lime wash and to install a timber casement window on the ground floor front elevation in place of the bay window which has had to be removed due to it becoming unsound.

2. Reason for reporting to Committee:

- 2.1 Due to significant public interest.

3. The Site:

- 3.1 The application relates to the Grade II listed former Little Gem PH on the south side of Aylesford High Street. The building has an unusual appearance due to its low set eaves and two storey dormer feature on the front roof slope. The building dates from the 15th Century and was historically constructed as a house with no.17 to the east. The building was later subdivided and converted into offices (no.17) with no. 19 becoming a tea room in the early 1950s, and later a public house in the 1980s.
- 3.2 Properties within the local area comprise a mix of dwellings and commercial units. A large proportion of the properties fronting onto the High Street are Listed; to the north west of the site is Aylesford Bridge which is a Scheduled Ancient Monument. The site is located within the Aylesford Village Conservation Area. To the rear of the site is an area of open amenity space which is situated between the village and the River Medway.

4. Planning History (relevant):

TM/54/10616/OLD grant with conditions 2 June 1954

Use of 'Dormer Cottage' as Tea Rooms.

TM/58/10374/OLD grant with conditions 23 June 1958

Alterations.

TM/59/11156/OLD grant with conditions 27 April 1959

Alterations to 'Little Gem Cafe' (amended) and change of use to part residential.

TM/73/11106/OLD grant with conditions 26 February 1973

Erection of store extension at rear of building and carrying out of alterations to form bathroom at first floor level and W.C. at second floor level.

TM/74/12425/OLD Refuse 9 October 1974

Erection of first floor extension at rear of existing Licensed premises.

TM/75/11112/FUL grant with conditions 10 April 1975

Erection of first floor extension to rear of existing dwelling.

TM/84/10446/FUL Grant 29 October 1984

Retrospective application for change of use of licenses tea rooms into public house.

5. Consultees:

5.1 PC: No objection

5.2 EA: Object on the grounds of no Flood risk assessment.

5.3 KCC Highways: No objections

5.4 Private Reps: 21 + site + press notice/0X/32R/0S. A 1000+ name petition has also been received. Objections raised on the following grounds:

- Building should not be turned into another dwelling and should be returned to and retained as a public house and perhaps should be offered to the community to buy, run and maintain;
- Historic building needs protecting and should not be left to rot by a developer. Should be restored and reopened;
- Only forced to close due to the smoking ban and the neighbour refusing to sell the land behind to form a pub garden;
- Little Gem holds many memories for residents and past residents and brought a community together. Was formerly the heart of the village and is sorely missed, not just by residents but also by visitors;
- Property would probably treble in value if turned into a dwelling but the loss to the community would be considerable;
- Loss of another business premises makes the village soulless and just another part of the commuter belt;
- Letting the pub be converted to a dwelling would be like closing the Aylesford old bridge;
- To turn the building from public house to dwelling just because of criminal neglect is not justified;
- Building should be preserved as a pub and the owners should consider selling to somebody who will preserve and conserve what could be a viable pub business;
- Application form is wrong – pub did not close in 2009 but probably September 2010;

6. Determining Issues:

Principle of change of use:

- 6.1 In general terms, the NPPF seeks to promote strong rural economies and recognises the need to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- 6.2 Policy CP26 of the TMBCS seeks to protect viable community facilities that play an important role in the social infrastructure of the area. The policy is intended to include public houses, particularly where these might be the only such facilities in a village. The policy goes on to state that the loss of a community facility will only be permitted if an alternative facility of equivalent or better quality and scale to

meet identified need is either available or the applicant has proved to the satisfaction of the Council that there is likely to be an absence of need or adequate support for the facility for the foreseeable future.

- 6.3 With this policy in mind, it is firstly important to recognise that a number of alternative facilities are present within Aylesford village including The Hengist restaurant, The Chequers PH, The Bush PH, The Village Pantry, The Bush PH and Aylesford Village Club. In addition, it must be recognised that The Little Gem has been closed for a considerable period of time and has not made any contribution as a community facility for a number of years.
- 6.4 Furthermore, given its very limited size, it is unlikely that a commercial operator could utilise the building to run a viable business that would support the renovation and ongoing upkeep of this nationally important 15th century building.
- 6.5 The PH is not designated as an asset of community value and, given its current vacant status and lack of any realistic prospect of it returning to an A4 or other community use, such a designation would be unlikely to be forthcoming should an application be made.
- 6.6 It is therefore unquestionable that better quality alternative facilities are available in the immediate local area and, accordingly, the proposal meets the requirements of policy CP26 of the TMBCS.
- 6.7 Policy CP13 of the TMBCS allows for minor residential development within the confines of Aylesford village providing the development is appropriate to the scale and character of the settlement and, in the cases of changes of use, where the overall trip generation is projected to be lower than that associated with the former use. As the application is a change of use with no additional extensions or intensification of use proposed it is considered that the works would accord with this policy. The proposed change of use accords with the requirements of this policy.

Heritage Asset Considerations:

- 6.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of this Act requires that in considering whether to grant listed building consent for any works the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- 6.9 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Listed Buildings and the Conservation Area). Paragraph 132 states that

when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

- 6.10 The proposed change of use incorporates no physical alterations to the listed building internally and the only external changes would comprise the repainting of the front elevation and the replacement of a window. The replacement of the failed bay window with a traditional single glazed casement window should be welcomed as it would restore the building back to closer to its original form – the bay window being a 20th century addition to a 15th century building. The use of a lime wash to the front elevation is also welcome as this is the traditional material that would have been used in its coating in the past.
- 6.11 It is my view that the minor physical changes proposed to the building and the change of use bringing back into occupation this long vacant building would undoubtedly enhance the listed building, the setting of others in the vicinity and the appearance of the Conservation Area and should be welcomed accordingly.
- 6.12 Additionally, it is important to recognise that the historic environment can bring about wider social, cultural, economic and environmental benefits (paragraph 126 of the NPPF), with the local historic environment having a key role in making a place distinct, making it somewhere in which people wish to live, work and spend time. This in effect could mean that the continued decline of the building by virtue of its remaining empty and unused has potential negative consequences, albeit in a different guise to those put forward in the representations received concerning the loss of the public house itself.
- 6.13 I appreciate that paragraph 130 of the NPPF states that where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated condition should not be taken into account in any decision. It is clear from our ongoing inspection of the building that there has been no such deliberate neglect or damage caused; on the contrary, measures have been taken by the owner to secure its condition in the more recent past when the window was found to be failing and was subsequently boarded up with the agreement of the Council. The current condition is simply a consequence of the fact that it has been empty for such a considerable period of time and it should be acknowledged that if this situation prevails in all likelihood the building will continue to deteriorate. An owner/occupier of the building as a dwellinghouse will in effect become the custodian of the building, thus better securing its long term future.

Other material planning considerations:

- 6.14 The use of the building as a residential dwelling would be classed as a vulnerable use in flood risk terms in respect of applying the requirements set out in the NPPF. This classification is the same as that of a public house, the last use of the

building. It is therefore considered that, whilst the Environment Agency has raised objections given the absence of a flood risk assessment, there are no justifiable grounds to resist the proposed change of use on the grounds of flood risk. Furthermore, this matter must be balanced against the fact that the change of use will bring back into use an important listed building as discussed throughout this report.

- 6.15 IGN3: Residential Parking requires that in central locations such as this a maximum of one vehicle parking space be provided to serve a dwelling. No parking is shown to be provided in connection with the proposed change of use but it must be recognised that any demand for parking provision in connection with an A4 use would be notably higher than one space. I therefore consider there are no objections to the scheme on the grounds of parking provision or highway safety.
- 6.16 TMBCS Policy CP24 sets out general criteria for all new development, including a provision that development must respect the site and its surroundings. The proposed change of use would have no detrimental impact on the residential amenities of the surrounding neighbours.

Conclusions:

- 6.17 I am acutely aware that there has been a considerable amount of local feeling generated in response to these applications and that there is a general desire to have the building retained as a public house or an alternative community use of some description. However, strength of local feeling about such matters is not a material planning consideration and cannot form the basis of any justifiable or defensible grounds to resist the proposed development.
- 6.18 Having carefully balanced the issues, being mindful that Aylesford benefits from a number of similar facilities and The Little Gem has been closed for some time now with little prospect of it reopening as a commercial enterprise, combined with the clear heritage benefits that would arise from the building being brought back into use, it is my view that the proposals are acceptable both in principle and detail. Moreover, a refusal of the grant of planning permission in all likelihood would result in the building remaining empty and potentially declining further in terms of the integrity of the fabric and external appearance which would be a detrimental and wholly undesirable outcome.
- 6.19 In light of the above assessment, I consider that the proposals meet the requirements of the NPPF and LDF and recommend that planning permission be granted and listed building consent approved.

7. Recommendation:

(A) TM/15/01462/FL

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan dated 01.05.2015 and subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

Informative:

1. This grant of permission does not give consent for any internal alterations that may be required as part of the change of use. You are advised that any alterations to the internal fabric of the building may require Listed Building Consent and that the Local Planning Authority should be contacted prior to any works commencing so that the need for permission may be established.

(B) TM/15/02927/LB

- 7.2 **Approve Listed Building Consent** in accordance with the following submitted details: Design and Access Statement dated 01.10.2015, Email dated 01.10.2015, Drawing dated 07.09.2015, Drawing dated 07.09.2015, Drawing dated 01.10.2015 and subject to the following conditions:

Conditions

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. All materials, joinery and external decoration used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

Informative

1. This grant of permission does not give consent for any internal alterations that may be required as part of the change of use. You are advised that any alterations to the internal fabric of the building may require Listed Building Consent and that the Local Planning Authority should be contacted prior to any works commencing so that the need for permission may be established.

Contact: Robin Gilbert