



## **Planning & Heritage Statement**

**TJ's 15 Milton Road Gravesend Kent DA12 2RF**

**Demolition of the existing 2 storey outrigger and erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6no.en-suite letting rooms ancillary to the existing public house including the relocation of the existing toilets and provision of disabled toilet facilities.**

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Gravesham Borough Council

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## 1.0 Introduction

1.1 This Planning & Heritage Statement has been prepared on behalf of Iris Smith & Thomas O’Keeffe in support of this re-submitted planning application for the demolition of an existing two storey timber framed outrigger, which is structurally unsound, and the erection of a replacement two storey outrigger linked to a first floor extension to the existing function room including the change of use of the new first floor accommodation to 6 no. en-suite letting rooms ancillary to the existing public house and including the relocation of the existing toilets and provision of a disabled toilet at TJ’s 15 Milton Road Gravesend. Kent DA12 2RF



1.2 The previous application (20210949) was submitted to the Council on 28 July 2021 and was refused under delegated powers on 22 September 2021 for the following reason:

***The proposal would result in the loss of the existing historic two storey outrigger on this non-designated heritage asset without sufficient justification for its demolition over its retention and repair, which together with the out of proportion design of the proposed outrigger in relation to existing neighbouring extensions, would adversely affect the setting of the adjacent Grade II Listed Buildings, and fail to make a positive contribution to the character and appearance of the Harmer Street Conservation Area. The proposal would therefore fail to comply with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 130, 190, 197, 199, 200 and 203 of the National Planning Policy Framework 2021.***

1.3 It is understood that the decision was made on the recommendation of the Council's Conservation Consultant on the basis of the Harmer Street Conservation Area Appraisal 2009 which we regard as being completely out of date due to the considerable built developments that have been approved since its inception

1.4 In addition to the application form and certificates the revised application is supported by the following documents:

Application plans:

Drawing No. 210605-A-001B (Existing & Prospective Block Plans)

Drawing No. 210605-A-002B (Existing & Proposed Floor Plans)

Drawing No. 210605-A-003B (Proposed Floor Plans)

Drawing No. 210605-A-004B (Existing Elevations)

Drawing No. 210605-A-005B (Proposed Elevations)

Planning & Heritage Statement

Photographic Images of site & surroundings

Full Structural Report

Supplementary Report on viability of repair

## **2.0 The Site Surroundings & Proposal:**

2.1 The application site is located on the northern side of Milton Road immediately to the East of Harmer Street and the Clock Tower. It is immediately next to the three storey properties in Berkeley Square and is separated from them by the narrow East Crescent Road that runs to the rear of the properties

fronting Harmer Street. It is a three storey building with basement area under a tiled 'dutch barn' style roof. It is located within the Harmer Street Conservation Area, and is listed as a building of local interest, but is not in itself a Listed Building. It is a large detached property standing in its own extensive grounds and is understood to have remained largely unchanged since its original construction. It is known to have been used as a public house since 1823 and has a large enclosed beer garden to the rear. Within the beer garden is a large function room that was added in 2011 (20110580) in order to increase the viability of the public house. The only other alteration to the premises being the enlargement of the saloon bar in 1932 by expanding into the access to the rear yard and the provision of a rear extension to the single storey element at the same time to provide internal toilet facilities.

2.2 The property is of a timber frame construction which has remained unaltered since its original construction and is now beginning to show signs of its age. A **recent structural survey** has shown significant rot to the east wall particularly the front SE corner. This has caused the internal floors to drop towards this corner. The structural survey is recommending immediate remedial works to this area. However the two storey outrigger and side extension to this eastern side, which is of substandard construction, is also showing signs of dropping by approximately 150mm.

2.3 The proposal is therefore to demolish the two storey outrigger and single story extension to the eastern boundary and replace them with a new building that will line through and link to the existing function room. A new first floor will be added to the function room and will link to the new two storey outrigger. The whole of the first floor will be constructed as six on-suite letting rooms which will be accessed via a wrought iron staircase located at the northern end of the building to a wrought iron walkway at first floor level to provide access to the letting rooms and a secondary means of escape to the existing residential accommodation above the pub, It is anticipated that the letting rooms will have their own en-suite facilities and will be let ancillary to the pub use. Like all hospitality services the public house has suffered due to the coronavirus pandemic to the point that its very survival is critical and dependant on bringing in new business and increasing footfall. At the same time the applicant is taking the opportunity to replace and relocate its existing substandard toilet accommodation and provide a new disabled toilet in order to increase the service it provides.

2.4 It should be noted that all the works are to the rear of the building and no changes to the front elevation are proposed and the proposal will have no significant impact on the street scene to Milton Road. Whilst it is accepted that the proposal will be visible from the rear by properties in Harmer Street, Berkley Square and East Crescent Road it will not have the adverse impact on the Conservation Area as suggested in the previous grounds of refusal.



2.4 In heritage terms, our investigations have revealed that the property was originally constructed around 1793 although is first recorded in 1808. It is understood to have become a public house in 1823 known as the British Tar – a free house. It is a timber framed three storey building with tiled dutch barn style roof with a projecting ground floor canopy at the front over two projecting timber bays with entrance doors to the left hand side of the bays. The first floor at the front was clad with ‘mathematical tiles’, which are imitation bricks used in order to avoid the brick tax. It is understood that this is the only known use of these in Gravesend. The rest of the building was either rendered or timber boarded. To the western side of the building is a single storey extension which

was used as the main saloon bar and provided access to the rear yard area. It is understood that the two storey timber framed outrigger was added some time around 1860 as it appears in the historic Os from 1871-90.



2.5 It is believed that a single storey extension was added to the single storey projection at the western side of the building in 1932 to provide toilet accommodation.

2.6 The first landlord of the British Tar was Thomas Newsom and is believed to remain in the Newsom family until 1846. It was then taken over by William Godfrey and his wife until 1863 although in 1858 it was taken over by Barclay and Perkins brewery. Between 1863 and 1904 it had a succession of landlords under Barclay & Perkins until was taken over again by Mrs Godfrey in 1899 until 1904. From 1904 -1910 the landlord was Joseph Suppit when the pub was then taken over by Russell's Gravesend Brewery. The site remained in Russell's portfolio until 1931 when it was sold to Truman's brewery. They operated it as a 'tied house' with a number of landlords until 1977

2.7 In 1977 it was sold by the Truman's/ Grand Met Group to Derek Winch who again operated it as a 'free house' as it had started its life in the 19<sup>th</sup> century. In 2005 it was sold to Thomas O'Keeffe and Iris Smith who are the current owners.

2.8 It is obvious from the landlord chronology and planning history that little was done in the way of extension and refurbishment was undertaken until the toilet extension was added in 1932. Nothing further was undertaken until the current owners added the function room and covered the rear beer garden in 2011.



2.8 Like many hospitality uses the property has suffered during the pandemic and has struggled to 'stay afloat' and has been looking at options to provide a secondary form of income. This being coupled with an urgent need to make remedial repair works to the original road frontage timber framed building.

### **3.0 Planning Policy Context**

3.1 Section 54A of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, if require that, when making a determination under the Planning Acts, the determination shall be made in

accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The development plan for the site comprises the Gravesham Core Strategy (September 2014) and the saved policies of the Gravesham Local Plan First Review (1994). The following policies of and were taken into consideration in the formulation of this application:

**Core Strategy (September 2014)**

Policy CS 19 – Design & Development Principles

Policy CS20 Heritage and the Historic Environment

Gravesham Borough Council Gravesend 19th Century Suburban Conservation Areas Management Plan 2009)

Harmer Street Conservation Area Character Appraisal (2009)

**Gravesham Local Plan (First Review) - 1994**

Saved Policy TC3 – Developments affecting a Conservation Area

Saved Policy P3 - Parking Standards

**National Planning Policy Framework (NPPF) (adopted July 2021)**

3.3 National planning policy is enshrined within the revised National Planning Policy Framework (NPPF) issued in February 2019 and its accompanying revised the Planning Policy Guidance (PPG). The PPG seeks to set out how to implement the strategic vision contained within the NPPF.

3.4 With regards to decision-taking, the revised NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible, particularly where conserves and enhances conservation areas and the retention of valuable heritage assets.

3.5 Paragraph 7 of the NPPF states that, “the purpose of the planning system is to contribute to the achievement of sustainable development”. It goes on at paragraph 8, that there are three dimensions of sustainable development as: economic, social and environmental. Paragraph 10 of the NPPF states that a “presumption in favour of sustainable development’ which is at the heart of the Framework to ensure that sustainable development is pursued in a positive way.

3.6 Paragraph 130 says that the Government attaches great importance to the creation of high quality beautiful & sustainable buildings and that good design is a key aspect of sustainable development, which creates better places in which to live and work. This is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 states that 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 surrounding built environment and landscaped setting
- d) establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live, work and visit;
- e) ☐ create places that are safe, which promote health and wellbeing with a high standard of amenity for existing and future users.

3.7 Paragraphs 134 emphasise that developments that are not well designed should be refused but where design accords with plan policies it should not be used as a valid reason to object to development.

3.8 However the main policy implications for the proposal relate to the preservation and enhancement of established heritage assets and the King Street Conservation Area generally. Paragraphs 189 to 207 of the Revised NPPF deal with conserving and enhancing the historic environment with much emphasis on “significance”, defined in Annex 2 as: "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting."

3.9 Paragraph 190 says that local authorities should have a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets at risk through neglect or decay. This being achieved by:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses.
- b) The wider social, cultural, economic and environmental benefits that conservation can bring

- c) The desirability of **new development making a positive contribution to local character and distinctiveness**
- d) Opportunities to draw on the contribution made by the historic environment to the character of a place. .

3.10 Paragraph 195 requires LPAs to identify and assess the "the particular significance of any heritage asset". This should be taken into account when considering the impact of a proposal on a heritage asset, including by development affecting its setting. Paragraph 197 is particularly relevant, in requiring LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 200 applies specifically to designated heritage assets. It states that great weight should be given to their conservation and it requires a proportionate approach (i.e. the more important the asset, the greater the weight attached to its conservation). Paragraph 201 adds further to this by emphasising the importance of ensuring that any alterations or modifications are in keeping and character with the Conservation area and ensure the preservation of the heritage asset itself

#### **4.0 Planning Considerations**

4.1 It is our opinion that the main considerations of this case, taking into consideration the Council previous reasons for refusal, would be loss of the historic outrigger without justification for its demolition over repair, and its design in comparison with neighbouring extensions and its impact on the visual amenity of the character of the Harmer Street Conservation Area generally.

#### **Principle of Development**

4.2 The NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 notes that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 sets out the three objectives of achieving sustainable development being economic, social and environmental. In terms of decision-making, Paragraph 11 states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits or specific Gravesham Borough Council policies in the Framework indicate development should be restricted. The NPPF further goes on to state at Paragraph 38 that LPAs should approach decisions on proposed developments in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible.

### **Loss of Outrigger**

4.3 As outlined in the supporting structural survey the whole building is in urgent need of remedial repairs works as the 300yr timber frame is badly rotten with main beams needing replacing. Whilst it is appreciated that the Council would wish to see the outrigger retained and repair our structural advisor has prepared a supplementary report stating that the outrigger is leaning precariously due to settlement with sloping floors internally. He has also commented that main beams within the frame are showing signs of rot and that he would question the economic viability of repairing this main support structure. Whilst the loss of the outrigger is regretted it appears to be more viable to demolish it and rebuild it , in the same vein as the original, in order that to provide the additional source of revenue that the public house requires in order to remain solvent and survive.

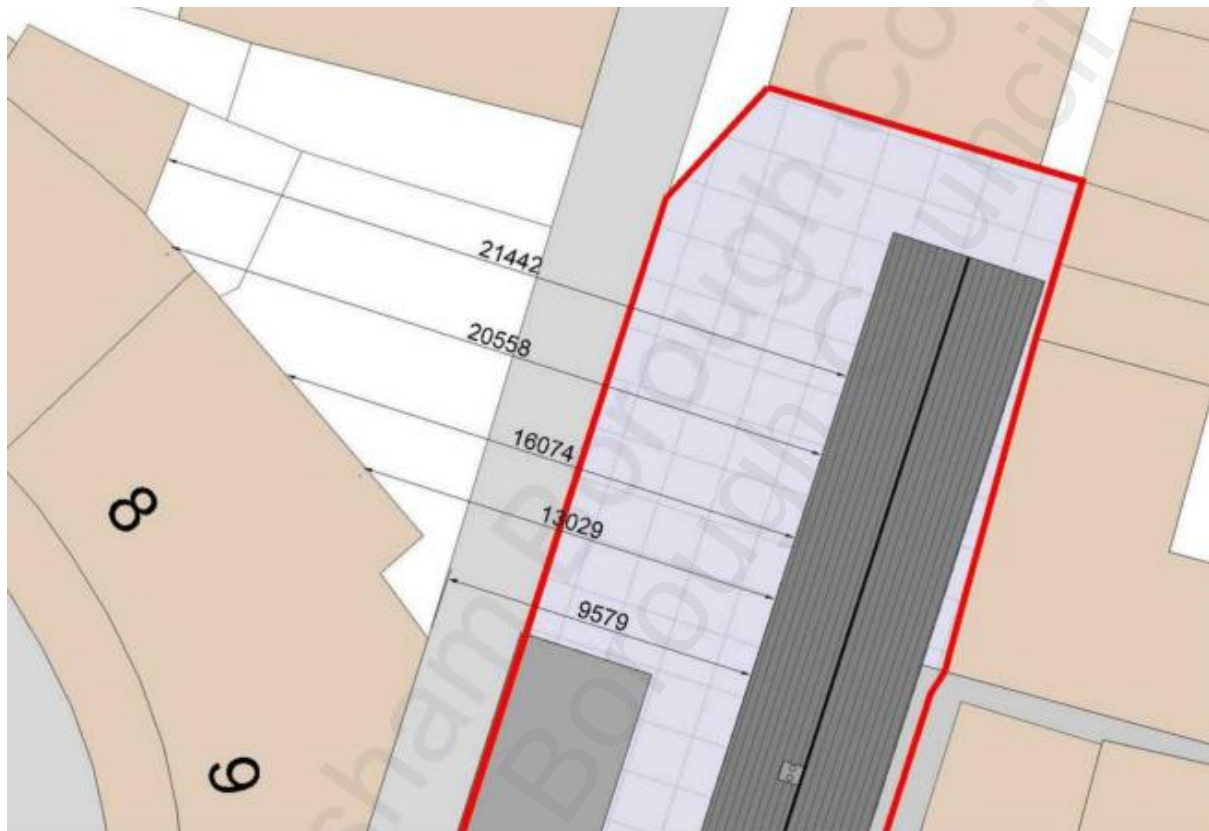
4.4 Given the expenditure that would be required to do these work AND refurbish the timber frame of the main Milton Road frontage building without the additional source of income, the applicant is concerned that the viability of the building cannot be sustained and would result in the loss of yet another community facility in the Town Centre.

### **Impact of the Development on the Conservation Area**

4.5 We are a little bemused by the Council's comments about the adverse effect that the proposal would have on the setting of the listed buildings in the Conservation Area given the historic developments that the Council has permitted in Harmer Street which 'dwarf' our proposals. Whilst it is accepted that precedent plays no part in planning considerations it appears that that the Council is inconsistent in the way it applies its policies in the Conservation Area given the developments that it has allowed recently on No.'s 3 – 11 Harmer Street and the former Call Boy Public House. We would just ask for consistency!!

4.6 It is our view that the proposal would have only a limited impact on the character and appearance of the area or the setting of the neighbouring Grade II listed buildings in Harmer Street. We would question whether the proposal

would be even visible to them given the extensive extensions that have been allowed on the properties fronting Harmer Street. Even if visible it would only be perceived in the same view as the large industrial buildings in Bentley Street and above the existing enclosed pub beer garden.



4.7 The application site is non-listed building lying within the Harmer Street Conservation Area with its main visual impact to Milton Road. Although the building is visible from the rear of the properties in Berkley Square and Harmer Street, the proposal has been designed to 'mirror' image' the existing outrigger in terms of its visual impact and use of materials. The rear of the site, is enclosed to the north and east by commercial buildings in East Crescent Road and Bentley Street and is considered to be a visual improvement to the area without impacting on the visual amenity of the Conservation Area. Indeed it is our view that the proposal would help screen the Conservation Area from the surrounding commercial buildings in that it would have an essential residential appearance. The properties in Berkley Square and Harmer Street are at an angle to the existing beer garden and are of mixed commercial, office and some residential flats and the separation distances are substantial. It is not envisaged that the proposal would generate any significant increase in noise and disturbance and is likely to be less.

4.8 The proposed replacement outrigger and first floor extension has been designed with a pitched tiled roof, as the original outrigger, in order to ensure that it will appear subservient to the main host building. Materials to be used will match the existing building. The detail provided clearly shows that the site can accommodate the proposed development without having any detrimental effect on the street scene or the amenity of neighbouring properties. It will be a positive enhancement of the conservation area with its distinctive design and use. .

4.9 Paragraphs 192, 194 and 195 of the revised NPPF all look at conserving and enhancing the historic environment with specific emphasis at restoring and preserving heritage assets. We are satisfied that the application site is clearly an asset worthy of preservation and restoration and the application proposal will see the building provided with additional facilities to assist its long term viability given the impact of the coronavirus pandemic.

#### **Impact on Neighbouring Properties**

4.10 Paragraphs 197, 200 and 201 of the revised NPPF all look at conserving and enhancing the historic environment with specific emphasis at restoring and preserving heritage assets. The site is of local historic value and we are satisfied that the application site is clearly an asset worthy of preservation and restoration and the application proposal will see the building completely renovated without affecting the continuity of the street scene.

4.11 The existing timber framed two storey outrigger is in very poor condition and over the centuries has warped and settled to a point where it now is at the end of its beneficial life. The single storey side 'lean-to' extension used as a storage area was added after the main building and is of substandard construction. It has a timber framework with plasterboard internal leaf with plastic cladding to the exterior. The lean-to structure is not 'square' and follows the line of the boundary to the pathway shared by the other retail properties in Milton Road and commercial garages in Bentley Street. These adjacent properties are all primarily two storey in height, with some being taller than that proposed by this application.

4.12 The proposal would see the demolition of these substandard structures and their rebuilding to line through with the existing single storey function room and enabling the widening of the footpath. A new first floor extension will be added to the function room and the whole of the new first floor will be converted to

letting rooms with en-suite facilities. Access to these rooms will be via a wrought iron staircase and walkway which will also provide a secondary means of escape to the existing residential accommodation in the main building over the public house which is occupied by the owners (applicants). The ground floor of the rebuilt outrigger will be used as to provide new modern toilet facilities and a disabled toilet/baby changing area and a smaller kitchen and storage area to the pub. A new side entrance will be created from the side alley to provide staff access to the function suite, letting rooms and covered beer garden area. The main access to these facilities already exists from East Crescent Road. Although the new letting rooms will have windows facing towards East Crescent Road the separation distances from the Berkley Crescent and Harmer Street properties vary from 10 – 25m with no directly facing windows. We are satisfied that the proposal will not result in overlooking or loss of residential amenity to any of these properties.

4.13 The rebuilt outrigger will be in brickwork on the ground floor to match the existing function room with white boarding to the upper floor to match the existing building. It will have a pitched roof to match the original and will be tied back into the main roof and using identical roof tiles. The existing chimney feature will be retained to preserve the original character of the outrigger.

4.14 Consideration has been given to the impact of the proposal on adjacent properties in Berkley Crescent, in regard to privacy and noise. Policy CS19 of the Core Strategy requires new development to safeguard the amenity including potential noise escape. The matter of amenity has been closely considered throughout the evolution of the proposal as the need to support residential amenity underpins policies from national to local level.

4.15 However it is not anticipated that the proposal would increase customer numbers significantly and the proposed letting rooms are unlikely to increase any potential increase in noise nuisance to neighbouring properties. Given the relatively small scale of the development it is unlikely to effect the residential amenity of the adjoining properties where they exist.

#### **Thames Estuary and Marshes Ramsar (SAMMS) payment**

4.16 The required SAMMS payment was paid in respect to application 20210949 which was refused and would therefore be refundable. The applicant is happy that this payment now be allocated to this resubmission.

## **5.0 Conclusion**

5.1 The applicants have taken on board all the Council's and National policies to provide a sustainable solution both to the need to provide additional services and facilities at a time when the hospitality industry has been hard hit by the coronavirus pandemic. It will at the same time reconstruct the existing substandard outrigger as well as preserving and enhancing the main heritage structure and its historic importance in the Conservation Area and Milton Road Street scene. The prospective layout and design is in keeping with the good design principles outlined in the NPPF and would not be out of character with the area and has no detrimental effect on the residential amenities of its neighbours or Conservation Area in general.

5.2 In considering the previous submission (20210949) the Council has accepted that the provision of letting rooms is compliant with Policy CS02 of the Core Strategy 2014 which prioritises development in the urban area as a sustainable location for development. The application site lies close to the town centre boundary of Gravesend, and is within the Gravesend Town Centre Opportunity Area – Policy CS05, and therefore the principle of tourist development as proposed is generally supported (Policy CSD09). On this basis, the proposal to add letting rooms to this existing pub site is considered to be a complimentary ancillary development to an existing business, and is acceptable in policy terms.

5.3 The Council are content that the proposal is compliant with Policy CS19 in terms of neighbour amenity and living conditions of visiting tourists.

5.4 We are satisfied that the Structural Report and its supplement confirm that it is not economically viable to repair the outrigger, and whilst unfortunate is the only option in order to maintain the viability of the business.

5.5 As a Town Centre development the provision of off-street parking would not be required.

**James Barron BA(Hons) DipTP MRTPI**