

Delegated Report

Householder Planning Application

Planning Application No: 20240201

Location: The Peacock Public House 78 Peacock Street Gravesend Kent

Description: REVISED DESCRIPTION Change of use of the basement and ground floor of the public house to use class F1(f) Public Worship or religious instruction (or in connection with such use).

Applicant: Mr Muhammad Hasan, Al-Haqq Academy

Site Visit Date: 25/10/24

Submitted Documents/Plans

Application Form

REVISED DWG No. PA-644-199 - REVISED Basement Plan as Proposed

REVISED DWG No. PA0655-200 - REVISED Ground Floor Plan as Proposed

DWG No. PA-644-100 - Block Plan as Existing

DWG No. PA-644-101 - Basement Floor Plan as Existing

DWG No. PA-644-102 - Ground Floor Plan as Existing

DWG No. PA-644-103 - First Floor Plan as Existing

DWG No. PA-644-104 - Second Floor Plan as Existing

DWG No. PA-644-105 - Roof Plan as Existing

DWG No. PA-644-110 - Elevations Rear as Existing

DWG No. PA-644-111 - Elevations Front as Existing

DWG No. PA-644-110 - Elevations Rear as Proposed

DWG No. PA-644-111 - Elevations Front as Proposed

DWG No. PA-644-112 - Elevations Sides as Existing

DWG No. PA-644-112 - Elevations Sides as Proposed

DWG No. PA-644-205 - Block Plan as Proposed

Travel Plan

Document titled Additional information request

Design and Access Statement

Site Description and Surroundings

This application relates only to the basement and ground floor of this building. The existing basement and ground floor is a public house. The first and second floors of the building are comprised of a four-bedroom flat, and this part of the building is subject to a separate application for conversion to an HMO. The HMO was granted planning permission by the Local Planning Authority on 27 September 2024.

The building is a three-storey building is located on the junction of St Andrews Road and Peacock Street, in a predominantly residential area and within the urban area of the Borough. The site itself is in close proximity to the Town Centre, and within walking distance of Gravesend Railway Station and other local services.

Relevant Planning History

Reference	Description	Decision	Decision Date
20070921	Conversion of first and second floors into two, two bedroom self contained flats.	Permitted	12.12.2007
20240200	Conversion of the first and second floor 4 bedroom flat into a 5 bedroom HMO.	Permitted	27.09.2024

Proposal

The proposal is to change the use of the basement and ground floor of the building from a public house, to use class F1(f) Public Worship of religious instruction (or in connection with such use).

The proposal would be to use the basement as a storage area (approx. 82 m²), with the ground floor used for as a prayer hall, an area to provide a food bank / counselling services/ youth club, WCs and a refuse area. The basement and ground floor would be occupied as a Mosque also known as a Masjid, by members of the Muslim faith.

The applicant has provided the following list of activities that they are proposing to undertake at the mosque, with associated operational hours:

- Daily Prayers (9am to 7pm) 10-20 people. (on occasion, small 30min openings to do 5 daily prayers)
- Not at full capacity after 7pm.
- Max 10 people attending.
- Youth Club (Weekends 2pm to 4pm) 10-15 people
- Food Bank (Wednesday afternoon 2pm to 4pm) 10-15 people
- Pastoral Care and Counselling Sessions (Monday afternoon 2pm to 4pm) 5-10 people
- Educational Classes and Courses (Tuesday & Thursday afternoon 2pm to 4pm) 5-10 people
- Sermons (Friday afternoon 1pm to 2pm) 20-30 people
- Women's Classes and Circles (Weekends 11am to 1pm) 5-10 people
- Elder's gatherings (Sunday afternoon 12pm to 1pm) 5-10 people
- Ex-offender support (Appointments)
- Revert Muslim Support (Friday afternoon 2pm to 4pm) 5-10 people
- Children's Classes (Weekday evenings 5pm-7pm) 5-10 people
- Outreach projects - litter picking and hot meal distribution (Once a month on a weekend afternoon 5-10 people)

Salat times are times of the day when Muslims pray. The term is primarily used for the five daily prayers, including the Friday prayer, which takes the place of the Dhuhr prayer. Most Muslims pray five times a day, with their prayers being known as Fajr (before dawn), Dhuhr (noon), Asr (late afternoon), Maghrib (at sunset), and Isha (night-time). The timing of the five prayers are at intervals throughout the day, defined by daily astronomical phenomena, with timings varying throughout the year.

In addition to these prayer times, Mosques also tend to hold Tarawih prayers during the month of Ramadan (the ninth month of the Islamic calendar observed by Muslims worldwide as a month of fasting, reflection, and community). This is followed by the holiday of Eid al-Fitr (which marks the end of Ramadan), with prayers also held at mosques, and finally, Muslims also

celebrate Eid al-Adha once a year, with prayers also held at Mosques. There is no set date for the Eid holidays, as it changes from year to year.

The activities proposed by the applicant indicates that the Mosque would be operational, but not fully open for all prayers throughout the year outside of the core hours of 9am-7pm. The applicant has indicated that outside of the hours of 9am-7pm, they would wish to be open for 30-minute periods around prayer times for up to 10 people.

The Peacock Public House closed at the start of 2024. Prior to closing, the Public House's operating hours were:

- Mon - Tue: 12:00 - 23:30
- Wed: 12:00 - 00:00
- Thu: 12:00 - 23:30
- Fri - Sat: 12:00 - 01:00
- Sun: 12:00 - 23:30

Planning Policy, Development Plan and Other Material Considerations

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS07 – Economy, Employment and Skills
- CS09 – Culture and Tourism
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on the Highway Network
- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings

Regulation 18 (Stage 2) Development Management Policies Document (2020)

- Policy RE 5 (Retention of Public Houses)

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- P5 – Change of Use of Buildings and Vehicle Parking Standards
- Design for Gravesham - Design Code SPD

Consultations, Publicity and Representations

Consultees

GBC Waste and Recycling Manager

Comments received on 12/03/24:

I have reviewed this planning application and I require more details on the refuse and recycling storage for this building.

This application is linked to 20240200, refuse and recycling storage must be separate for the two applications.

There must be enough storage provision for the separation of residual, recycling and food waste as per the impending "Simpler Recycling" regulations.

Comments received on 26/06/24:

I have reviewed this planning application, and I am happy with the refuse and recycling storage for this section of the building.

GBC Environmental Protection

Comments received on 19/03/24:

No hours of use appear to have been given on the application form. Can this be clarified with the applicant/agent please, as this could have a bearing on any potential impact. At certain times of the year, prayers can take place early in the morning or late at night and this needs to be considered in relation to the existing flat above and also the current application for conversion to HMO's (under ref 20240200).

The comments for that application by Environmental Protection with regards to sound insulation between the ground and 1st floor are also relevant to this application. Dependant on hours of use, the following condition is likely to be recommended:

Internal noise/Sound Insulation Test:

Prior to the first occupation of the HMO units, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of

the internal wall partitions, internal floor/ceiling partitions and also adjacent party wall partitions. The sound insulation performance of these shall resist the transmission of airborne sound and impact sound such that the weighted standardised difference (DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Authority prior to first occupation.

Updated comments received on 09/05/24:

The comments and recommended condition contained in the earlier response dated 19th March 2024 are still valid. It's noted that there still does not appear to be any information relating to hours of use/opening hours and this does need consideration if the premises is to be used as a place of worship, as some denominations worship outside of what would be considered to be 'standard' hours. These can include before sunrise and after dusk. In addition, the proposed youth club use is likely to be in the evenings/weekends which may add additional noise.

This premises may not be suitable for this type of use over extended hours and therefore in addition to the condition recommended previously regarding sound insulation, a noise impact assessment will be required. It is recommended that this is undertaken prior to determination. This is in order to gauge a full understanding of what the proposal is to involve and also any potential impact on flats above or other residential premises in the area.

Updated comments received on 04/07/24:

The revised description is noted. This does not alter the comments made previously on the 19th March.

As in the consultation response (4th July 2024) it's noted that planning is minded to place the requirement for the SI test as a condition on permission should it be granted. This is acceptable. A noise impact assessment was also advised in the response dated 21st May 2021 and a pre-commencement condition for this is also agreed.

It's also noted that details regarding hours of use have been indicated but the details are still a little unclear. Hours of operation are given as 9am to 7pm (its assumed this is 7 days a week?) but there are caveats given that contradict this - 'on occasions, small 30min openings to do 5 daily prayers' and 'Not at full capacity after 7pm. Max 10 people attending'. This indicates that hours of use will be beyond those quoted above which, bearing in mind the residential use above, may not be acceptable. I do still have concerns that at certain times of the year, for some religious denominations, prayers can take place early in the morning or late at night and this needs to be considered in relation to the residential use above and any hours of use restrictions.

GBC Highways Officer

Comments received on 13/05/24:

I have no objections; it is an edge of centre site and unlike most similar applications within walking distance of a large public car park. However, the applicant should consider requesting a disabled parking space(s) within the existing on street designated car parking areas, so those with a mobility impairment are able to access the facility. There is no guarantee if these can be provided so should not be a condition, but all works associated with their introduction would

have to be funded by the applicant. It should also be noted that any disabled parking space cannot be reserved for any single person or organisation.

KCC Highways

Comments received on 14/03/24:

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Updated comments received on 02/05/24:

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the

current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

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Kent Police Designing Out Crime Team

Comments received on 10/05/24:

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Defined pedestrian routes are recommended to improve safety and avoid pedestrian and vehicle conflict.
2. The car park must be overlooked by active windows in order to monitor activity in the area. To help address car crime, security should be provided for Motorbikes, Mopeds, e-bikes and similar. SBD or sold secure ground or wall anchors can help provide this. If the site is ever to be unoccupied, installation of swing arm or height restriction barriers or gates – lockable in the open and closed positions to protect the entrance road, to prevent/deter unauthorised vehicle access and anti-social vehicle misuse, fly tipping etc.
3. If proposed, cycle storage must be well lit and secure, installation of cycle racks are not secure enough to protect from theft.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.
5. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the units, utility areas/ bin stores and on the access/ exit road. The CCTV must not infringe any lighting plan.
6. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
7. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
8. Any Shutters, if proposed, should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013
9. Bin Stores to be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site

security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Southern Gas

No comments received.

Neighbouring Properties

Letters were sent to 11 neighbouring properties, notifying them of the application. 23 letters of objection have been received, and 107 letters of support. A summary of responses can be found below:

Objections:

- The area is overpopulated with limited parking with one side of the street having permitted parking.
- Will result in traffic and congestion.
- This will bring no benefit to the local community.
- This would result in local conflict and possibly anti-social behaviour.
- Another Mosque is not needed with other local Muslim centres nearby.
- There are plenty of places of worship locally but a significant loss of shops and pubs.
- The noise during construction would be disruptive.
- The noise from people coming and going during the day would be greater than the previous pub, which was audible only during some evenings.
- The public house lacks the cultural significance to be an appropriate place to host public worship.
- The removal of the grand Peacock bird sign (Peacock Streets namesake) being removed would be a loss to the character and appearance of the area.
- It will need a kitchen which may result in increased rodents.
- It would ruin the historical and cultural heritage of the Peacock landmark with a building not in keeping with the local area.
- This street and St Andrews is congested with litter/rubbish everywhere.
- Its not environmentally convenient to have this opening here.
- There is a disused temple nearby which would be a better location.
- Worshipping in the basement would represent a fire risk.
- Detrimental impact on the local economy.
- Loss of property tax revenue for the council.
- This will detrimentally impact the high streets vibrant shopping and socialising scene.

Support:

- The community needs more places to worship.
- Islamic education is beneficial for the children and young deterring from violence/drugs and learning about peaceful religion.
- Beneficial to the local Muslim community.

- This will provide a peaceful sanctuary for reflection, prayer and spiritual growth, where everyone can come together.
- No parking issues as there are four public car parks available very close to the centre.
- Food bank services will be available for all those who need it/who want to donate.
- A number of people live in walking distance to the building.
- This will have a positive impact on mental health.
- Community services including a food bank, counselling, and youth programs will provide essential support to residents of all faiths and backgrounds.
- The self-funding approach seeking to utilise a HMO above should be commended as financially responsible.
- This will help alleviate congestion at the mosque on Albion Terrace.
- This will support the harmonious coexistence of different faiths in the local area.
- With a Sikh temple and a church nearby, the establishment of this Islamic Academy centre highlights our community commitment to religious diversity and equality.
- Would help the youth, providing new skills and support to find employment.
- Religion is a big part of Gravesend and its values as a community.
- This will be an important community hub.
- The previous public house was disruptive with noisy music until early hours on Saturday mornings this proposal would indicate a quieter and trouble free use.
- These roads are where the first Muslims settled 50 years ago.
- The trustees are from a varies and multi-cultural background and the community hub would serve everyone equally.
- More services for the elderly would be appreciated.
- Having a local option will reduce traffic congestion.
- There are many pubs in the local area, and so the closure will not be a loss to the local community.
- Less pubs will improve the chances of the remaining pubs to survive and thrive.
- This is a better use than the public house as its promoted community cohesion instead of late-night public brawls.
- Although regeneration plans were rejected by the government is a positive that organisations are still seeking to make Gravesend a better place. IF the government won't give local councils the tools to regenerate local communities its up to smaller organisations to support the council and make these changes reality.

Officer's Analysis

Principle of Development

This application relates only to the basement and ground floor of this building. The existing basement and ground floor form a public house, which ceased operating in early 2024. The first and second floors of the building are comprised of a four-bedroom flat, and this part of the building was subject to a separate application for conversion to an HMO which was approved in September. The site is within the urban area of the Borough, and the surrounding area is predominantly residential in nature. The site lies close to the Town Centre with Parrock Street, Car Park located 100 metres to the west of the site.

This site is in the Urban Boundary as defined by the Policies Map of the Core Strategy Document (2014). Paragraph 4.2.4 (Table 2: Settlement Hierarchy) of the Local Plan Core Strategy (2014), identifies Gravesend as a First Tier Settlement. Paragraph 4.2.5 states that these areas are the most sustainable parts of the borough.

Public houses perform a number of important functions including providing leisure, entertainment and community facilities, as well as employment opportunities. As such, Policies CS09 and CS10 of the Gravesham Local Plan Core Strategy (September 2014) are relevant. Policy CS09 seeks to protect and support improvements to existing cultural and tourist facilities. Policy CS10 supports proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improve community well-being. This policy also states that where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available. Both of these policies weigh in favour of the retention of the public house.

Para. 97 of the NPPF (2023) states that:

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) 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;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) 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;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

It is therefore noted that the loss of the public house, as a community facility, would be unfavourable as per paragraph 97(a). However, it is acknowledged it would be replaced with a building of public worship, which in itself would be a cultural building with benefits to the community under the same paragraph.

No evidence or marketing has been submitted with the application to demonstrate that the public house is no longer economically viable. To support the loss of the public house, evidence should have been provided to illustrate that the public house is no longer economically viable, such as marketing evidence to ensure a well-rounded analysis.

In respect of the other criteria, it is not known whether the public house provided a place for community groups to meet - no information has been submitted in this respect.

The evidence submitted by the applicant is therefore considered to be inadequate to show the site is not economically viable or capable of being made economically viable as a public house or that the property has been subject to a continuous effective marketing strategy. This is contrary to Policy CS10: Physical and Social Infrastructure, as public houses form part of social infrastructure, that provide a focal point for local communities as well as tourists to share connections and develop a common interest and relationships that builds up civic life.

The site is located in the urban area in a highly sustainable location in respect of its location. It would provide an additional place of Public Worship or Religious Instruction use which would reflect the religious use of the nearby Gurdwara (0.2 miles to the east).

Taking into account all matters, it is considered that insufficient evidence has been provided to justify the loss of the public house in this location. This development would therefore result in the loss of the existing Public House, removing the commercial use on the ground floor and the proposal provides insufficient evidence to show the commercial use is no longer economically viable. As such the loss of the Public House is considered to be contrary to Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2023).

Employment

In terms of employment, it is acknowledged that the development will employ 2 staff (1 Imam and 1 part time teacher). There would also be associated opportunities for job creation including in the construction of the development.

However, due to the public house also employing staff, the effect on employment will be minimal and potentially very similar, even though details of the number of staff employed by the public house when open, have not been provided.

The proposal accords with Policy CS07 that seeks to enhance opportunities for all local people to access new jobs arising from the Council's employment policies.

Design, Character and Appearance

The only external change that would result from this proposal would be a change to the signage on the proposed front elevation (to the east facing Peacock Street). The signage would remain in the same position with the lettering changed from 'The Peacock' to 'Al Haqq Academy'.

External lighting and landscaping details could be reserved by condition if the application were approved.

On the Side elevation (to the South facing St Andrew's Road), the elevation, including signage would remain unchanged.

In design terms, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014, paragraph 135 of the NPPF (2023) and the Design for Gravesham-Design Code SPD (2024), in terms of design, character and appearance.

Neighbouring Amenity

The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 23 objections to the proposal were received.

Given that the development would remain as existing externally, there would be no concerns regarding impact to residential amenity of neighbours in terms of overshadowing and overlooking.

The main consideration in terms of the impacts on the neighbour relates to noise impacts, as per the comments received from GBC Environmental Protection. A Sound Insulation Test and a Noise Impact Assessment were requested by GBC Environmental Protection team, but they also advised that they would be agreeable to the inclusion of pre-commencement conditions to cover this issue. The planning agents have also confirmed that they would be agreeable to inclusion of such conditions. However, given the manner which the site is proposed to operate and the difference uses within the place of worship envelope, it is considered that the impact of noise should be ascertained prior to determination. The use has the potential to impact the residents of the first and second floors of the building, either as a single dwelling or HMO, as well as a pose wider impacts on the surrounding residential dwellings.

Coinciding with this, the Environmental Protection Team have raised concerns regarding the hours of use, citing them to be unclear with various sub uses potentially overlapping with each other, making it unclear how many people will be in attendance at any time.

It is important to acknowledge that The Peacock Public House only closed at the start of 2024 and prior to closing, the Public House's operating hours were:

Mon - Tue: 12:00 - 23:30
Wed: 12:00 - 00:00
Thu: 12:00 - 23:30
Fri - Sat: 12:00 - 01:00
Sun: 12:00 - 23:30

The information provided by the applicant on the proposed hours indicates operation of the site for activities, predominantly between 9am and 7pm. If these would be the only opening hours, the impact on the residential neighbours in terms of noise and activity would be limited to the daytime unlike the public house, restricting noise to more appropriate times.

However, there is ambiguity outside of these regular daytime hours, with the applicant advising that they wish to use the Mosque outside of these hours for prayers, although for a small group of people. The opening hours proposed would not cover all prayer times for the Muslim Faith Fajr (before dawn), Dhuhr (noon), Asr (late afternoon), Maghrib (at sunset), and Isha (nighttime). Nor has detailed information been provided covering, religious events (such as Eid) where extended opening hours would be required. It is understood that the timing of prayers and dates of religious festivals can vary and so it is somewhat difficult to be specific, but the details provided with the application do not provide clear enough detail as to how the site would function outside of the regular hours. For example, Isha / Tarawih prayers this year (during the month of Ramadan) commenced post 7pm, with Fajr prayers commencing around 5am.

The proposed details suggest a maximum of 20 people attending the mosque at any one time. However, the hall could accommodate between 40-50 people based on its size, and this would be even greater if extended into the teaching/food bank area. It also appears that some of the sub-uses will overlap so the true numbers cannot be satisfactorily ascertained. It is therefore considered that there is potential for a large number of people attending and gathering at the site at unsociable hours. Although, the public house did have opening hours late into the night, it is unlikely that it would have served such a significant number of people at such late hours, who would have had similar patterns of movements (i.e. arrival and departure).

Further information relating to sound insulation and noise impact would also be required to ensure appropriate measures are taken to minimise noise impacts on residential neighbours.

On balance, due to the ambiguity surrounding the use based on lack of clarity outside of the core proposed hours of 9am-7pm and given the potential for a significant number of people to arrive/depart from the Mosque outside of these hours, it cannot be ascertained that the use will safeguard neighbour amenity and the proposal is therefore not in compliance with policy CS19 of the Core Strategy 2014.

Waste and Refuse

The proposals indicate that there would be an available bin store in the corridor which would house 2 x 240L Bins.

The plan also shows how the bin stores would be easily transported with ramped route and positioned to the front of the site for bin collection purposes. To ensure that appropriate responsibility is taken for this, a condition could be applied stipulating that an individual be appointed to ensure bins are appropriately placed for collection purposes and then returned to the bins store.

The GBC Waste and Refuse Officer has reviewed the plans and has found the details submitted for bin storage and collection acceptable.

Ecology and Biodiversity

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). One exception is; where development is subject to the de minimis exemption. This is when development does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

In this case, the site is entirely hard landscaped as existing and there are no external changes proposed to existing landscaping. The development would therefore meet the criteria for 'de minimis' exception and the statutory requirement for Biodiversity Net Gain is not applicable.

Parking and Highways

Policy CS11 of the Core Strategy 2014 and saved Policy P3 of the Local Plan 1994 require new development to provide sufficient parking in accordance with the adopted parking standards, taking account of the availability of alternative means of transport and accessibility to services and facilities.

The proposed scheme does not provide any on-site parking provision, and no parking is provided for the current use as a public house. There is no scope for parking provision to be provide within the red line plan. It is also noted that KCC Parking Standards require car parking spaces of 1 space per 5 seats for places of worship.

The Travel Plan provided includes the provision of a Travel Coordinator and methods to be

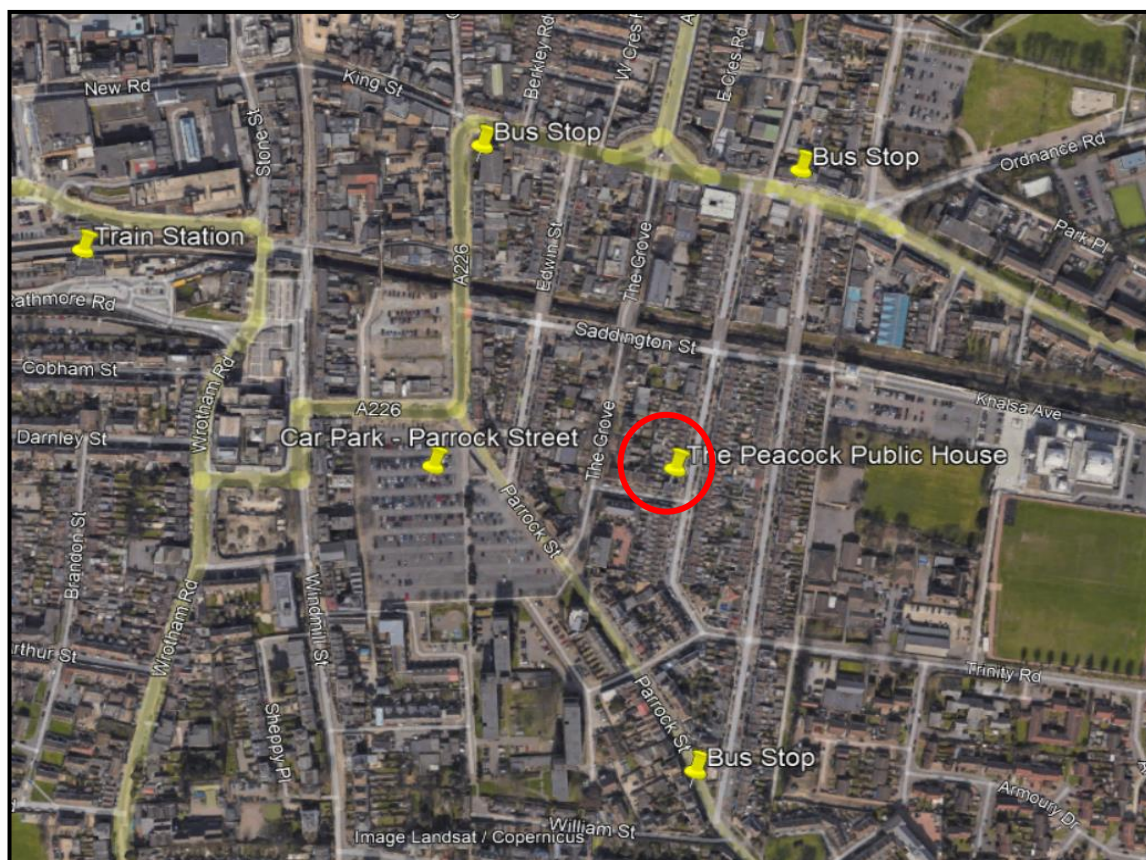
applied which would encourage active travel to the Mosque including; provision of public transport information and carpooling initiatives (particularly for events). It details that the mosque intends to serve local residents within walking distance and would take pressure off of existing mosques in the local area, which have congestion issues, particularly on Fridays and during religious events e.g. during Ramadan and Eid.

Although no formal seating has been proposed, the list of activities provided indicates that daily prayers will include between 10-20 people. Taking the maximum number of seats therefore at 20, the KCC Vehicular Parking Standards would require 4 vehicle spaces. However, based on the area of the hall and equivalent prayer mat size at approximately 1.2m x 0.7m, the hall could accommodate between 40-50 people, and this would be even greater if extended into the teaching/food bank area. Therefore, whilst the proposed use with a maximum of 20 people would require 4 vehicle parking spaces, there is potential that for 50 people it would require 10 parking spaces or more, if the space were expanded.

In terms of cycle storage provision, the Parking Standards require 1 space per 50 seat of 100m². The plot is approximately 200m² and so details to provide 2 cycle store spaces would be reserved by condition. The Travel Plan provided indicates that there is intention to provide a bike store.

The site is in a Town Centre location, where appropriate sustainable and public transport methods are readily available, in the form of nearby bus stops and train station.

As the map below shows, the Peacock Public House is within walking distance of 3 bus stops and a train station. Parrock Street Car Park is also within 100 metres of the site, which provides approximately 607 parking spaces and 30 disabled spaces.



Policy P5 of the Gravesham Local Plan First Review (2014), applies exceptions to the Vehicle Parking Standards in instances where a change of use of a building is proposed. It states:

'In considering application for the change of use of buildings, the sub-division of existing dwellings or minor extensions, the Borough Council will seek to ensure that the Vehicle Parking Standards are met. However, where this would probably be prejudicial to the townscape or likely to lead to the building being unused or underused, the Borough Council may be prepared to consider a relaxation of the standards, provided this does not unduly exacerbate on-street parking problems in the area.'

Neither the GBC Highways Officer, nor the KCC Highways Officer have objected to the development.

The site is in a highly sustainable location, near the Town Centre with multiple public transport options. The current public house does not have a parking provision, and the required spacing of 4 vehicles for the change of use of the building would likely be easily accommodated in the nearby Parrock Street Car Park, which has 607 car parking spaces and 30 disabled spaces.

Adequate vehicle and cycle parking provision is therefore available, subject to a robust travel plan being in place to ensure parking is sufficiently managed, in accordance with paragraphs 110 to 113 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 and section 6.3 (Vehicular Parking) of the Design for Gravesham: Design Code.

Conclusion

The evidence provided by the applicant is considered to be insufficient to justify that a viable public house cannot be operated from this location, and that there is no interest from third parties to operate the public house and would fail on principle. As such the loss of the Public House is considered to be contrary to Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2023).

The proposed design, layout and appearance of the site would not be altered. The scheme would therefore comply with Policy CS19 of the Local Plan Core Strategy (2014) and the Design for Gravesham-Design Code SPD (2024) subject to details reserved by condition.

However, given the likely extended prayer hours late at night/early in the morning and the ability potential to attract large numbers of people, the proposal would NOT safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Local Plan Core Strategy 2014 and Section 12 of the NPPF (2023).

The proposed scheme demonstrates that the site is in a sustainable urban location, with good access to local public transport options, public car parking and nearby local services. The development would therefore comply with Policy CS11 of the Local Plan Core Strategy (2014), Section 12 of the NPPF (2023) and the Design for Gravesham-Design Code SPD (2024).

The recommendation is therefore to refuse the application.

Recommendation

Refusal on the following grounds:

1. This development would result in the loss of the existing Public House, removing the commercial use on the ground floor. Insufficient evidence has been provided to justify the loss of the public house in this location, or that a commercial use is no longer economically viable. As such the loss of the Public House is considered to be contrary to Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2023).
2. The proposed change of use of the public house to a place of worship is considered to be inappropriate in this location. Due to the ambiguity surrounding the lack of clarity in terms hours of use and the number of attendees, it cannot be ascertained that the use will safeguard the amenity of the surrounding residential properties, including the residential accommodation at first and second floors of the same building. As such the proposal conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 131 and 135 of the National Planning Policy Framework 2023.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mr Shazad Ghani
Signed:		Signed:	<i>S.Ghani</i>
Dated:	15th October 2024	Dated:	22 October 2024