

Delegated Report

Full Planning Application

Planning Application No: 20221076

Location: Clarendon Royal Hotel Royal Pier Road Gravesend Kent

Description: Retrospective consent for the continued erection of a marquee for a temporary 3 year period in connection with the operation of the main premises.

Applicant: Gravesend Hotel Rooms Ltd

Site Visit Date: Site Visit 19.10.2022

Submitted Documents/Plans

- Application form;
- Plans and Elevations, Drawing no. 221007-P-001;
- Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221131	Retrospective consent for the continued erection of 6 huts for a temporary 3-year period in connection with the operation of the main premises	Pending Consideration	-
20100293	**REVISED/AMENDED DESCRIPTION** Change of use of 20 of the residential units to serviced apartments under Use Class C1 (hotels) and minor works of alteration to the Listed Building.	Permitted	30.11.2010
20080208	Conversion of part of building into 20 self-contained one and two bedroom flats; retention of bar, formation of hotel reception in part of bar area, use of kitchen area as restaurant and use of the existing restaurant as functions hall; erection of extension at second and third floor levels on the east side elevation to provide 13 hotel bedroom suites, raising and extension to roof to provide living area to fourth floor flat and installation of balcony railings and laying out of 27 associated car parking spaces comprising 19 on land at the front and eight at the rear.	Permitted	03.10.2008
20080281	Application for Listed Building Consent for internal and external alterations in connection with the conversion of part of building into 20 self-contained one and two bedroom flats; retention of bar, formation of hotel reception in part of bar area, use of kitchen area as restaurant and use of the existing restaurant as functions hall; erection of extension at second and third floor levels on the east side elevation to provide 13 hotel bedroom suites, raising and extension to roof to provide living area to fourth floor flat and installation of balcony railings	Permitted	03.10.2008

	and laying out of 27 associated car parking spaces comprising 19 on land at the front and eight at the rear.		
20051041	**AMENDED APPLICATION/REVISED DESCRIPTION** Conversion of first, second, third and fourth floors of hotel into 20 one and two bedroom self-contained flats, involving construction of second floor extension of existing eastern wing, raising and extension to roof to provide living area to fourth floor flat and provision of 19 car parking spaces in Clarendon Gardens; erection of part three to six storey building to provide 30 one and two bedroom self-contained flats with 30 car parking spaces and cycle store in undercroft at ground floor level with vehicular access onto The Terrace	Permitted, allowed on appeal	05.04.2007
20051043	Application for Listed Building consent for internal alterations in connection with the conversion of the first, second, third and fourth floors of the hotel into 20 one and two bedroom self contained flats involving construction of a second floor extension of existing wing, raising and extension to roof to provide living area to fourth floor flat; internal alterations to restaurant and bar at ground floor level; external alterations to north, south and east elevations, opening of the courtyard at the rear and provision of 19 car parking spaces in Clarendon Gardens; erection of part three to six storey building to provide 30 one and two bedroom self contained flats with 30 car parking spaces and cycle store in undercroft at ground floor level with vehicular access on to The Terrace.	Permitted, allowed on appeal	05.04.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS11 – Transport
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- P5 – Change of Use of Buildings and Vehicle Parking Standards
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

Other material considerations

The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (February 2021)

- Section 2 – Achieving sustainable development;
- Section 5 – Delivering a sufficient supply of homes;
- Section 6 – Building a strong, competitive economy;
- Section 7 – Ensuring the vitality of towns;
- Section 9 – Promoting sustainable transport;
- Section 11 – Making Effective Use of Land;
- Section 12 – Achieving well-designed places;
- Section 14 – Meeting the challenge of climate change;
- Section 15 – Conserving and enhancing the natural environment;
- Section 16 – Conserving and enhancing the historic environment.

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Gravesend Riverside Conservation Area Character Appraisal (2016)
- Management Plan – Gravesend Town Centre Conservation Areas

Consultations, Publicity and Representations

Consultees

GBC Conservation

No comments received.

Historic England

We consider the proposed marquee to cause harm to the significance of the conservation area and listed building and recommend that options for reducing this harm are explored.

Environment Agency (Flood Map for Planning)

The site falls within Flood Zone 3 and has a high probability of flooding. A flood risk assessment must be carried out.

KCC Heritage

No comments received.

Port of London Authority

No objection raised.

Ward Councillors

No comments received.

Neighbouring properties

The application was advertised by way of site notice, press notice and 40 of the neighbouring properties were sent consultation letters with an overall expiry date of 21 November 2022. 34 responses were received objecting to the application, making the following summarised comments;

- Noise
- Anti-social behaviour
- Detrimental impact on historic streetscape
- Inappropriate size and design
- Oversized
- Detrimental impact on the area
- Detracts from the listed and historic structures surrounding it
- Blocks views
- Not sympathetic or beneficial to the conservation area
- Lack of parking to facilitate use of the marquee
- Health & Safety with power cables laid across the road or through the trees
- Porta loos and waste within the garden area or public road
- Spoils the openness of the area
- Light and noise pollution
- Impact on trees
- Impact on amenity
- Marquee is not a small temporary structure
- Larger than permitted by the regulations
- Not within the curtilage of the business
- Degrades important greenspace
- Music noise exceeds the limits
- No provision for waste storage
- Additional buildings in rear car park which were redistributed from beer garden
- Proximity to historic monument
- Breach of Royal Pier Mews resident's covenants
- Contravenes local plan policies
- Increase in staff
- Flooding
- Vandalism
- Overcrowding
- Vehicle congestion

Officer's Analysis

Site Description

The application site is within the Gravesend Riverside Conservation Area and accommodates an open space picnic area on Royal Pier Road south of the River Thames. Opposite the application site is the Clarendon Royal Hotel), grade II listed building, which is a mid-19th century four storey building which overlooks the open space and, further afield, the River Thames. The site is also adjacent to the Gravesend Blockhouse scheduled Ancient Monument.

The site location plan below demonstrates the relationship of the site to the surrounding area.



In addition to the heritage character, the application site is northeast of Gravesend Town Centre, but within the wider Gravesend Town Centre Opportunity Area.

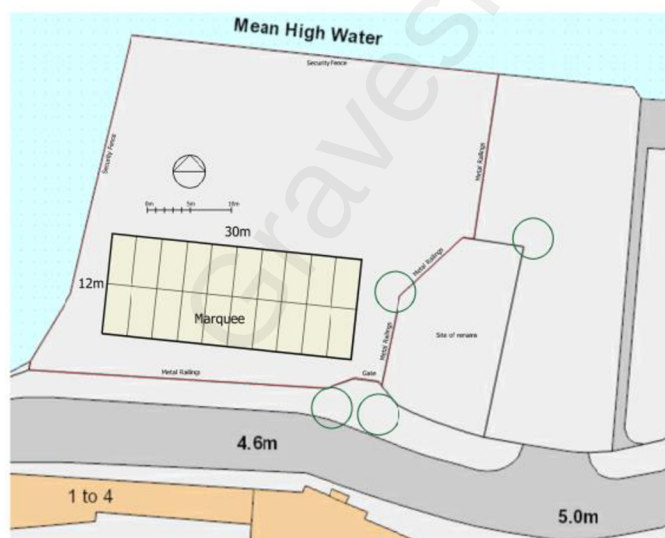
It should be noted that the site falls within flood zone 3.

Proposed Development

As noted above, there are heritage implications for the site, but also, it is located within the Gravesend Town Centre Opportunity Area and the application effectively comprises of a change the use of part of the site from open space to being used to support the operations/activities of the hotel/bar/restaurant by offering additional outside function space over the spring and summer months. The planning statement supplied maintains that the external seating area adjacent to the river Thames is ancillary to the existing uses and functions of Clarendon Royal Hotel and states that 'the scale of the development is commensurate with the scale of activities at the hotel/bar/restaurant. It provides a single storey seasonal structure which will provide an outside area to guests and passing trade using the hotel/bar/restaurant'.

It is worth noting that the open space area is physically separated from the Clarendon Royal Hotel by Royal Pier Road and the northern portion of the adjoining highway. The immediate area is generally characterised by open spaces providing views and access to the River Thames. Although, immediately east of the application site are parking areas.

The proposed site plan is extracted below;



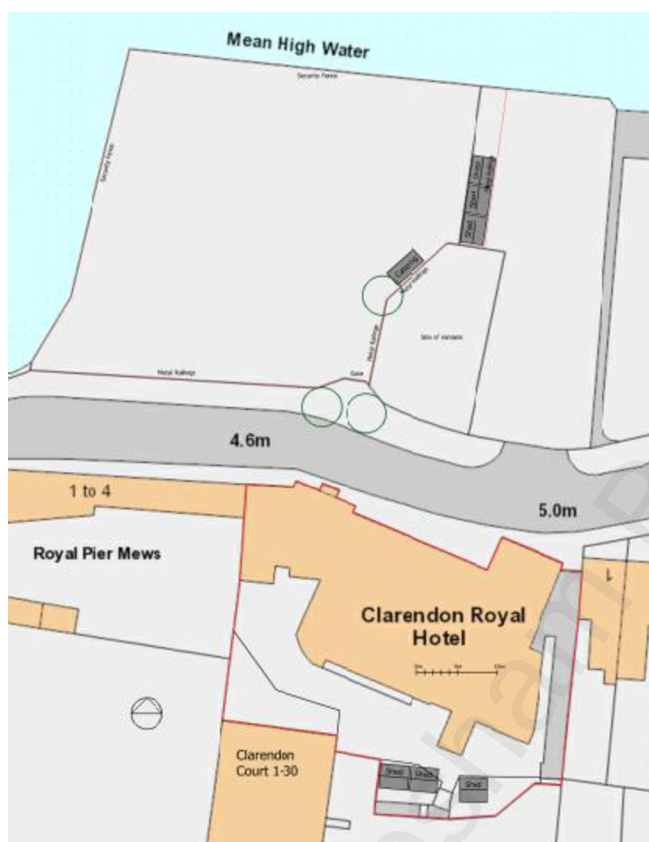
Proposed Site Plan 1:500 (A3)

The proposed marquee structure measures approximately 12 metres by 30 metres with a pitched height of

4.1 metres. The application form states that the site would gain 360 sq.m of drinking establishment space, albeit, on a temporary basis. The proposed marquee along with the proposed use of the site would be operational from 01 March to 31 October annually which amounts to 8 months of the year. The marquee is comprised of an off-white canvas together with interlocking poles to allow the structure to be disassembled and removed from the site at the end of the season.

There is also another application that has been submitted at the site for 3x huts and a catering vehicle, with a further 3x huts within the curtilage of the hotel itself, subject of ref. 20221131, which is effectively a material consideration in the determination of the current application. The description of development is for *'Retrospective consent for the continued erection of 6 huts for a temporary 3-year period in connection with the operation of the main premises'*.

An extract of the site plan for ref. 20221131 is also below;



The site plan indicates that 3no. huts would be situated in close proximity to the marquee, within the open space area and the other 3no. would to the rear of the Clarendon Royal Hotel. The Planning Statement of 6no. huts, subject of 20221131, states the following;

'3 huts are proposed to the front of the site to function alongside the proposed trained marquee (live application at the time of this submission) in order to provide servicing facilities for patrons using the marquee space for outdoor drinks and pub snacks. A small catering van is also proposed'.

Furthermore, the associated planning statement maintains that the proposed huts to the front of the site would operate alongside the temporary marquee (March to October annually) for a period of up to 3 years. Overall, while the proposal for the huts form part of a separate application, it is apparent that the proposed huts, despite the temporary nature, have been installed at the site to accommodate the proposed marquee.

Principle of Development

Paragraph 11 of the NPPF (2021) states that planning decisions should apply a presumption in favour of sustainable development and, where the policies which are most important for determining the application are out of date, for decision-taking, this means granting permission unless the application of policies within the NPPF (2021) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 of paragraph 11 stipulates that these include heritage assets, such as Conservations Areas, Listed Buildings and Ancient Scheduled Monuments.

The application site is within Gravesend Town Centre Opportunity Area and, as such, Policy CS05 of the Gravesham Local Plan Core Strategy (LPCS) September 2014 is relevant, since the planning application seeks to change the use of the site temporarily from open space which forms part of the hotel to a site which would actively be used for bar/drinking/restaurant activities.

The site is also within a Conservation Area and serves the grade II listed building The Clarendon Royal Hotel and Policies CS20 of the Gravesham Local Plan Core Strategy (LPCS) and Saved Policy TC2 and TC3 of the Gravesham Local Plan First Review November 1994 (LPFR) are also relevant. Also of relevance, Policy CS05 of the LPCS (2014) states that the opportunity area will be the principal focus for the town centre related economic and social activity in the Borough. This will be achieved by consolidating the existing retail area and encouraging a mix of employment and residential uses. Within the Gravesend Town Centre Opportunity Area, Policy CS05 commits to improving pedestrian access between town centre, the River Thames and surrounding areas. Although, Policy CS05 also requires the Council to support and enhance retail, leisure, entertainment, cultural and tourism provision in accordance with the sequential approach and also support under-used sites where this makes more efficient use of the sites and improves townscape character.

In order to further facilitate whether the principle of development is acceptable the preamble of Policy CS05 is relevant, which is extracted below;

'The East of Town Centre and Riverside Area (sub-area 3.4) is centred around Thames Riverside...this location significantly contributes to Gravesend's role as a heritage town....The Council will seek to improve public access to the riverside. It will also require proposals to maintain and enhance riverside character and views in accordance with Policy CS19 Development and Design Principles' (para. 4.6.31/32, LPA underlining).

It is acknowledged that the proposed development is of a seasonal and temporary nature and the applicant reinforces that the overarching principles of the NPPF (2021), those being sustainable development and making effective use of land. With regards to the former, the LPA does not dispute it has a duty to comply with the principle of sustainable development, notwithstanding this, the paragraph 11(d)(i) of the NPPF (2021) stipulates there are exceptions and those being where protected assets/areas are concerned.

Furthermore, in terms of making effective use of land, paragraph 119 states the following;

'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land' (LPA underlining)

Therefore, given the high heritage sensitivity of application site, the LPA are required to have regard for para. 197 of the NPPF (2021), in terms of taking account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, as well as the positive contribution that conservation of heritage assets make towards sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

In terms of establishing the principle of development, the LPA appreciates that the applicant's position, to a

degree, that the Council's policies, CS05 and CS07 encourage employment uses and an evening economy, however, this is not at the expense of harm to heritage assets. As already established, the site is highly sensitive to relevant national and local policies on preserving heritage assets and, therefore, the LPA maintains that the implications of the development to the surrounding heritage assets would need to be assessed in terms of the actual harm to the surrounding heritage assets. This approach is consistent with para. 11 of the NPPF (2021) and also section 11 'Making effective use of land' which is principally concerning the re-use of brownfield/previously developed land'.

Notwithstanding the above, the LPA does consider that in terms of the use of the open space there is a principle objection against the development as the use of the open space for drinking/restaurant uses are essentially town centre uses, on an open area of land, which requires the installation of a temporary marquee for 8 months of the year. The application site forms part of the Clarendon Royal Hotel, but is physically separated from the site by Royal Pier Road. The proposed use of the site is not entirely in keeping with the Hotel's main operational use. It is understood that the main function of the site operates under C2 use, but with ancillary bar/restaurant functions. Therefore, the intensification of restaurant use / drinking uses are not considered acceptable in terms of enhancing the riverside character of the site. While the Planning Statement maintains that the application does not amount to a 'change of use' of the site as the site is already in use by the hotel as an outside garden area, the fact there is an associated application for 6no. huts, 3 of which are in close proximity to the marquee together with a catering unit, would suggest the proposed use would be used as more than an ancillary facility to the Hotel uses.

Furthermore, the proposed development can accommodate a large number of people, as the proposed seating area is protected from the elements, and the seating area can be utilised to a greater extent i.e. throughout the day and during all times of the year in more adverse weather conditions.

It should be noted that the Marquee had originally been installed during the period of Covid restrictions to allow the Clarendon Royal Hotel to operate. Marquees and other structures provided a lifeline for some businesses during the pandemic, evidencing the value of covered outdoor spaces to hospitality venues. The restrictions preventing businesses from fully functioning have since been removed by Government, with no restrictions currently in place to restrict the Clarendon Royal Hotel from operating in the same manner as prior to the pandemic.

As such the use of the Marquee would provide additional floorspace and intensifying the bar and restaurant use. This is further substantiated by marketing undertaken by Clarendon Royal Hotel, which in part states:

"Dine outside under the cover of our marquee or in our private river-facing pods!"

"MUSICAL FREEDOM 3

Saturday 16th July 2022 2PM to 2AM

The Clarendon Royal Hotel - Gravesend

Tickets available at <https://jiveorg.com/shop>

JIVE and Mi-Soul bring you Musical Freedom 3 at a A NEW VENUE FOR 2022.

SUNSHINE ALLDAYER in the grounds of the Clarendon Royal Hotel on the banks of the Thames with open areas and our dedicated marquee.

EVENING AFTERPARTY inside the hotel until 2am."

"The Goldsteppers

[The Clarendon Royal Hotel - Gravesend](#) · Gravesend, ENGLAND

Join us in our marquee for live soulful ska & reggae performances, DJ Sets & BBQ in our garden"

It is clear from Clarendon Royal Hotel's own marketing that the Marquee is being utilised as an entertainment venue, as well as a dining area.

Design, Character and Heritage Implications

The application site is within the Gravesend Riverside Conservation Area and the application(s) at the site seeks to i) temporarily change the use of the open space, albeit on a seasonal basis, and ii) erect a temporary marquee structure to facilitate such uses.

In terms of the change of use of the site, this has been addressed above, but, by virtue of the impact to installation of a marquee for 8 months of the year, in terms of the impact to the heritage asset being within a conservation area, adjacent to a scheduled monument and within the setting of a grade II listed building, the implications of the proposal will need to be discussed further.

Historic England has been consulted on the application and made the following observations;

'Some harm would be caused to the significance of the conservation area through eroding an understanding of an important open space with introduction of an unattractive structure which is alien to the conservation areas established historic character of development...the marquee would also harm, to a limited degree, the appreciation that of the Grade II listed Clarendon Hotel was designed to overlook the river and capitalise on views which are enhanced by the open character of the site.'

Moreover, the Council's Conservation Area Character Appraisal of the Gravesend Riverside CA also identifies the area where the site is located as a key focal point, as a well-maintained garden/lake, and identifies the area as a principal positive view from 'Royal Pier Road towards the Clarendon Royal Hotel'.

In light of the identified harms, resulting from the marquee, Historic England also maintain the following comments;

'We consider the proposed marquee to cause harm to the significance of the conservation area and listed building and recommend that options for reducing this harm are explored'

It is also worth noting that the applicant has failed to supply a Heritage Statement with the application and the applicant has not adequately described the significance of any of the heritage assets affected, including any contribution made by their setting. Therefore, Historic England are of the view of that the applicant has not complied with para. 195 of the NPPF (2021) by not adequately demonstrating that the proposal would not result in any addition harm

In light of the above, para. 195 of the NPPF (2021) maintains that when considering the impact of proposed development on the significance of a designated heritage assets, great weight should be given to the asset's conservation and this is irrespective of degree of harm attributed. Paragraph 200 requires any harm to the significance of a designated heritage asset, including development within its setting, to be appropriately justified.

The Planning Statement maintains that the marquee would be a sensitive addition to the Conservation Area and would not impact on important views as set out in the Riverside Conservation Area Appraisal. Furthermore, the applicant asserts that due to the temporary and seasonal nature of the proposal and lack of physical attachment the harms are essentially limited.

Nonetheless, the LPA takes the view that there would be harms to the designated heritage assets within the area, these being the Gravesend Riverside Conservation Area, the setting of the grade II listed buildings St Andrew's Arts Centre, The Mission House, Clarendon Royal Hotel, Thomas House and the Gravesend Blockhouse scheduled Ancient Monument. Historic England have, therefore, urged the LPA to have regard for paragraph 202 of the NPPF (2021) relating to the less than substantial harm to the significance of a designated heritage asset and weighing this against the public benefits of the proposal.

In light of paragraph 202, the LPA acknowledges would be some benefits to the public in terms of providing additional the leisure/social offer in the immediate locality. At paragraph. 5.8 of the Planning Statement,

states that the temporary nature is to allow the business to recover from the effects of the pandemic which badly affected the bar/restaurant sector in particular. In light of this, the LPA are of the view that the nature of the proposal is primarily for the applicants benefit and therefore the public benefit of the development is limited, even considering temporary and seasonal nature of the development.

On that basis it is considered the proposal is contrary to Policies CS05 and CS20 of the Core Strategy and Saved Policies TC2 and TC3 of the Local Plan First Review.

Neighbouring Amenity

Paragraph 5.32 of the Planning Statement mentions the following;

'The site already forms an outside seating area in connection with the hotel/bar/restaurant as such the erection of a seasonal temporary marquee is not considered to create any additional noise, loss of light, overshadowing or loss of amenity. ...the proposed development serves to enhance the quality of the existing outside provision provided, and in this regard is not anticipated to cause any perceptible uplift in activities which may bring about any significant impact on neighbouring amenity' (Council underlining)

In itself, the LPA agrees the marquee would not amount to significant harms to neighbouring amenity in relation to the structure itself, however, it is the proposed use of the marquee for 8 months of the year over a 3 year period that is of concern. The Council has received over 30 comments of objection for the proposal and mostly siting issues relating to noise, anti-social behaviour, additional litter, public safety, additional traffic/parking.

From the Hotel's website, it is not entirely clear how the marquee would be used, but extracts are taken of the descriptions of the ancillary activities at the application site. Although, extracts below indicate what the other uses are on offer at the site.

← → ↺ <https://www.clarendonroyalhotel.co.uk/food-drink/waterfront-dining/>



☰ MENU

WATERFRONT DINING & BEER GARDEN

On fine days and balmy evenings, the Clarendon's waterfront beer garden is the place to be. There's simply nowhere better in town to enjoy that perfect combo of great company, great food and drink, and great weather.

Guests and locals alike can grab a table in the sun, order from the Admiral Bar's menu, then simply sit back and watch the River Thames' traffic go by while being waited on.

ADMIRAL'S BAR

With a relaxed vibe and spectacular views out over the River Thames, the Admiral's Bar is the ideal place to get together with friends and take advantage of the bar's full range premium lagers – including Kentish – and a tantalising menu of freshly made cocktails. It's also the place to enjoy classic British favourites, such as homemade pies, matured beef steaks and, of course, the great Sunday Roast!

One of Britons' best loved indulgencies, Afternoon Tea, is also served here. Delicate sandwiches, freshly made petit fours, a selection of teas and a glass bubbly – all served in the comfort of the Admiral's Bar.

And do check out [What's on](#) at the Clarendon, which includes free to attend, regular live music events hosted in the bar.



THE TREBLE CLEF CLUB

The Treble Clef Club, the Clarendons' newest venue, attracts some of the hottest performers from within London and the South East's soul scene.

UPCOMING EVENTS

As noted above, the application site is principally operating a Hotel (Class C2) with ancillary bar/restaurant facilities. Given the nature of the comments from neighbours, and the evidence on the hotel's own website, suggests that the drinking / restaurant / entertainment facilities have been intensified due to the proposed use of the application site accommodated with the erection of the marquee. Therefore, the LPA takes the view that the application for such activities are not ancillary to the hotel use, but rather a complimentary use to the existing hotel use which is actively advertised as such on the hotel's website.

By providing an enclosed seating area, such as the proposed marquee, the nature of the structure presents a material change to the use of the garden, creating a space that is no longer seasonal and can be occupied in all weather conditions. In addition, the material of the marquee would provide little to no sound insulation, as such it would significantly limit the scope to implement noise/acoustic control measures to meet requirements. Neighbour comments suggest loud music being played from the marquee which would also generate noise that cannot be contained within a marquee type structure. As such there will be noise generated by patrons and entertainment equipment in all weather conditions for the 8 months of the year when the marquee would be in use. Due to the close proximity of the marquee to neighbouring properties, which are predominantly residential in nature, this will be harmful to the amenity of residents.

In the Planning Statement the applicant maintains that the proposal seeks to serve to enhance the quality of the existing outside provisions provided, but the LPA would further contend that the development is actually alternative use of the site which has significant impacts to neighbouring amenity. This is further

compounded by the fact that there is a separate application for the 6 no huts within the curtilage of the Hotel, 3 no of serve the marquee with a catering unit, which suggests the degree of activity at the site is not ancillary.

Hours of Use

The application form nor supporting documents state the intended opening hours of the marquee. It is assumed that as the marquee would have an ancillary function to the main hotel, that it would operate under the same hours as The Clarendon Royal Hotel.

The premises being the hotel building, is licensed for the following activities: Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainments, Recorded Music, Performance of dance, Provision of facilities for making music, dancing, provision of facilities for entertainment of a similar description, and supply of alcohol, 08:00 to 23:30 (Sunday-Thursday) and 08:00 to 02:00 (Friday-Saturday, Bank Holidays, Xmas Eve, Xmas Day and New Year's Eve). As well as live music 10:00 to 23:00 (Sunday to Thursday) and 10:00 to 00:00 (Friday and Saturday). Therefore, the use of the outdoor restaurant and seating area within the garden would be expected to be occupied at similar times and benefit from the same activities.

Representations received from surrounding residents stated that the marquee is actively used and occupied until the early hours of the morning, this adds weight to the concerns for the proposed marquee being used during unsociable hours and causing a disturbance to neighbouring residents.

The proposal for the marquee will materially impact the amenity of adjoining neighbours by virtue of noise and disturbance. The large structure creates an all-weather environment that caters for a communal restaurant and seating area, for groups over prolonged periods of time. The structure includes equipment for music, and the noise impact from patrons and music would be harmful to the living environment of neighbouring properties and detrimental to their amenity.

Therefore, the proposal would have significant adverse impacts on the amenity of surrounding occupiers and contrary Policy CS19 (LPCS) and Paragraph 30 of the NPPF (2021).

Any Other Material Planning Considerations

The LPA are mindful of the lasting impacts of the Coronavirus pandemic on the hospitality sector and that there has previously been a marquee installed. In any case, as mentioned above, the LPA takes the view the proposed uses are quite different to the principal use of the application site, that being Hotel (Use Class C2).

Moreover, the previous temporary uses, in association with assisting with the pandemic were unlikely to create significant harms to neighbouring amenity and, furthermore, the emergence of the Covid-19 back in 2020 were extraordinary circumstances that warranted exceptional approaches to provide public facilities. Therefore, the LPA does not consider the applicant case is comparable with the previous marquee installed at the site.

The Planning Statement also maintains there is a fallback position at the applicants disposal under the GDPO (2015), as amended. Schedule 2, Part 2 (Minor Operations), Class G, allows for movable structures and pubs, restaurants etc. Although, to reiterate, the LPA does not consider that application site as a public house or restaurant. The hotel does provide such facilities, but on an ancillary basis, and therefore there are no relevant fallback in this instance. Furthermore, no Lawful Development Certificate has been submitted to demonstrate this position.

Flood Risk

The application site located within flood zones 2 and 3. A supporting flood risk assessment was not submitted with the application.

Clarendon Lawn is undefended and is susceptible to flooding even during relatively short return. As such, if this application were to be supported, it would be expected that a flood risk management plan to be submitted to assess the impact of the proposal.

Conclusion & Recommendation

Insufficient detail has been submitted to allow the full impacts of the temporary marquee to be accurately assessed. In particular, a Heritage Statement has not been supplied with the application and, therefore, there is a limited understanding of the significance of the heritage assets and impacts resulting from the marquee. Given the size, location and that fact the structure would be erect for 8 months of the year, it is considered the proposal would have a detrimental impact on the character and appearance of the area, the Gravesend Riverside Conservation Area, the adjacent Grade II Listed Buildings and the adjacent Scheduled Ancient Monument (Gravesend Blockhouse). As such, a Heritage Statement has not been supplied to demonstrate otherwise. Consequently, the development is therefore contrary to Policies CS05 and CS20 of the Core Strategy and Saved Policies TC2 and TC3 of the Local Plan First Review and section 16 of the National Planning Policy Framework (2021).

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By virtue of noise and disturbance, the proposal for the marquee will materially impact the amenity of adjoining neighbours by creating an all-weather environment that caters for a communal restaurant and seating area, for groups over prolonged periods of time. The structure includes equipment for music, and the noise impact from patrons and music would be harmful to the living environment of neighbouring properties and detrimental to their amenity. The proposal would therefore have significant adverse impacts on the amenity of surrounding occupiers and contrary Policy CS19 (LPCS) and Paragraph 30 of the National Planning Policy Framework (2021).

The application site is within Flood Risk Zone 2 and 3 and the application has not been supported by an appropriate Flood Risk Assessment. Therefore, insufficient detail has been submitted to facilitate an assessment flood risk implications. As such, it is not possible to make a determination as to the flood risks given the site is within a high flood risk area. The proposal would be contrary to Policies CS18 of the Gravesham Local Plan Core Strategy September 2014, and paragraph 167 of the National Planning Policy Framework (2021).

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

Case Officer:	Ms Genna Henry	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	6 th December 2022	Dated:	7 th December 2022