
SUMMARY REPORT

Application Ref:	20221187
Site Address:	The Maltings, Lower Higham Road Gravesend Kent
Application Description:	Change of use of the Maltings, Lower Higham Road, Gravesend, DA12 2LY from offices (formerly class B1), showroom (formerly class A1) and workshop (formerly class B1) to a mixed use of education (class F1a) and a place of religious worship (class F1f).
Applicant:	Mr Michael Coveney, City Praise Centre
Agent:	None
Ward:	Chalk
Parish:	Non-Parish Area
Decision due date:	29 th May 2023
Publicity expiry date:	16 May 2023
Decision Level:	Planning Committee – 27 th September 2023
Reason for referral:	Called in by Councillor
Recommendation:	Delegated to the Head of Planning in consultation with the Chair and Vice Chair, to grant Permission subject to finalisation of planning conditions and the completion of a Section 106 agreement.

Summary of Reasons for Recommendations

Subject to planning conditions and parking provision being secured by Section 106 agreement the proposals will have no detrimental impact on the surrounding landscape, character of the area, amenity, highway safety or parking. The scheme takes into account the history of the site wider context of the area. The development is therefore considered to comply with local and national policy.

In order to be positive and proactive, during the course of the applications where appropriate discussions took place with the agent to address comments received from consultees.

All representations received have been taken into account when considering this proposal.

The recommendation is for the application to be delegated to the Head of Planning in consultation with the Chair and Vice Chair, to grant Planning Permission, subject to the finalisation of planning conditions and the completion of a Section 106 agreement. In the event of the Section 106 agreement not being completed, the planning application will be reported back to Planning Committee for redetermination.

MAIN REPORT**1. Site Description and Surroundings**

- 1.1. The application site most recently had a temporary permission for a D1 use as a place of worship and ancillary office (planning application ref. 20210659 change of use from office and showroom use (Class E) to mixed use of education (Class F1a) and a place of religious worship, (Class F1f) with opening hours of 07:00 to 23:00 hrs., within the former Maltings building, a modern workshop building and a tarmacked car park area for 33 spaces as per drawing no. 21/330/05. Prior to the temporary approval, the application site comprised of refurbished office accommodation with a workshop.
- 1.2. The site is located to the east of the town centre within the Gravesend urban area on the Lower Higham Road, to the east of the Lion Roundabout. Uses close to the site are mixed with a petrol station to the south; the access, buildings and car parking associated with the North West Kent College lie to the north and east, and the Church originally used by the applicant lies to the west.

2. Planning History

- 2.1. The relevant planning history for the site is laid out in the below table:

Application Ref. No.	Description	Decision	Decision Date
20210659	Application for change of use from office and showroom use (Class E) to mixed use of education (Class F1a) and a place of religious worship, (Class F1f) with opening hours of 07:00 to 23:00 hrs.	Granted Temporary Permission	19.07.2021
20180072	Application for the approval of condition 7 attached to planning permission reference no. 20170401 relating to the details of the Travel Plan.	Approval of Details	23.03.2018
20180056	Application for the approval of condition 5 attached to planning permission reference no. 20170401 relating to the details of the parking surfaces.	Approval of Details	16.03.2018
20170401	**REVISED DESCRIPTION** Change of use of The Maltings buildings from B1/B2 manufacturing with ancillary offices and amenity facilities to a D1 (place of worship) use and ancillary offices.	Permitted	22.12.2017
20090727	Change of use of premises into D1 education use for a temporary period of seven years	Permitted	28.01.2010
20050430	Application for the variation of condition 2 attached to planning permission ref. no. GR/2002/429 relating to the erection of a		05.07.2005

	new workshop building and change of use of existing workshop building to offices, to allow the new workshop building to be used for any manufacturing purpose within Class B2 or B1 but not to be used for the repair of motor vehicles at any time and variation of condition 3 to allow the existing Maltings building to be used for uses falling within Class B1.	Permitted	
20020429	Erection of a new workshop building; change of use of existing workshop building to offices involving elevational alterations & the layout of 25 no. car parking spaces	Permitted	26.07.2002
19920681	Application for the variation of conditions (ix) and (xiv) attached to planning permission ref. no. GR91/779 to restrict the use of the units as Class B1 (light industry) and an extension of the operating hours to 6am-10pm Monday-Sunday and Bank Holidays.	Permitted	25.01.1993
19910779	Change of use of educational and training work- shops to 14 no. starter industrial units and an office for the Gravesham Enterprise Agency, the demolition of an outbuilding and the laying out of van and car parking spaces	Permitted	16.04.1992
19870580	Erection of a single storey building to form training workshop	Permitted	28.09.1987

3. Proposal

3.1. The application seeks the permanent change of use from office and showroom use (Class E) to mixed use of education (Class F1a) and a place of religious worship, (Class F1f) with opening hours of 07:00 to 23:00 hrs.

4. Planning Policy, Development Plan, and other Material Considerations

4.1. The relevant development plan policies are laid out as follows:

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- Policy CS01: Sustainable Development
- Policy CS02: Scale and Distribution of Development
- Policy CS07: Economy, Employment and Skills
- Policy CS10 Physical and Social Infrastructure
- Policy CS11: Transport
- Policy CS12: Green Infrastructure
- Policy CS19: Development and Design Principles

Gravesham Local Plan: First Review (1994)

- Policy P3: Vehicle Parking Standards; and
- Policy T1: Impact of Development on the Highway Network.

4.2. 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.

4.3. 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.

Gravesham Local Plan: First Review (1994)

- Policy P3: Vehicle Parking Standards; and
- Policy T1: Impact of Development on the Highway Network.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed places

Other Material Considerations

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Kent Design Guide (2006)

5. Consultations and Publicity Responses

External Consultees – comments received only

5.1. KCC Highways Officer

13/12/2022

I have major concerns with the parking provision of this proposal. Whilst there appears to be an informal arrangement with North Kent College for the use of their car park, this application is for permanent consent - whereas the previous application was for a temporary permission and the arrangements with the College covered this. I would therefore like to see a permanent legal arrangement with the College to cater for the overall quantity of car parking spaces required - 128 according to the data submitted.

If the parking arrangement with the College were to cease, this could result in a significant number of vehicles parked on-street in the local roads where there is currently no restrictions on a Sunday. This could result in a highway safety issue and severe congestion in the area.

I would therefore request a holding objection until such time as a permanent parking solution has been secured.

5.2. KCC Fire Safety Group

05/05/2023

I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear to have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority.

A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

Internal Consultees – Comments received only

5.3. GBC Highways Officer

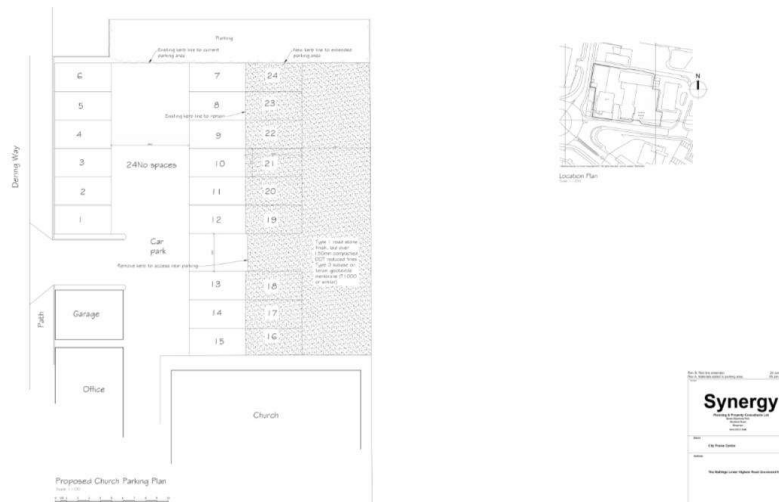
06/12/2022

This application is complex and relies on parking being available at the applicant's other property and the use of North Kent College car park for which they have a written agreement to use on a Sunday, but there is no agreement that the Council has to insist on this parking being provided.

So first should the existing property have a blue line or even be included within the red line as its car parking is being used to serve both properties.

Secondly the use of the college car park is not secure, it seems to be on a short-term lease arrangement which could cease at some future date. The survey data shows that at its maximum usage on the 11th September some 77 car parking spaces in use at the college with 19 at the camp and 32 at The Maltings giving a total requirement of 128 spaces against a secure provision of 16 shown on the drawing but 24 stated in the Travel Survey and Plan at the camp and 31 at The Malting, so a secure provision of 47 minimum to 55 spaces maximum.

However, comparing the drawings between the existing layout and that approved under application 20180056 there is a difference in car parking availability.



Approved 20180056



Current application as existing.

So, there is a significant shortfall of car parking provision if the College were to cease their agreement, and this would result in displacing the cars to on street parking on a Sunday. Ideally the College's agreement should be formalised with a legally binding undertaking that the Council can enforce, but this is most unlikely to occur as it places restrictions on the college. But if the College were to cease its agreement the following needs to be considered.

Both Lower Higham Road and Dering Way or single carriageway roads with no Sunday waiting restrictions, except at the roundabout. Whilst car parking may be possible on one side of the road, there is a risk that pavement parking would occur to the detriment of pedestrian passage and/or parking occurs on both sides of the road to the detriment of the free flow of traffic and potentially pedestrians.

At the current time it must be remembered that Dering Way provides the only means of access including emergency access to the land to the north and Lower Higham Road provides a major link between Gravesend and the villages of Chalk and Higham and the surrounding area, although in this case alternative routes are available.

To be acceptable if the college ceased their agreement, I believe the applicant should fund the provision of 'No Waiting at Any Time' restrictions on one side of both Dering Way and Lower Higham Road, from the roundabout at their junction to a point some 250 metres north of the car park access to the City Praise Centre along Dering Way and to western boundary of 51A on Lower Higham Road.

In addition, as this proposal results in a change of use and any other occupier could be a significant traffic generator, I would recommend that the permission is restricted to personal use of the Church Group.

The introduction of waiting restrictions, are I believe a Kent County Council matter and they would have to carry out the legal process to consult on the introduction of any new restrictions as well as mark them as appropriate. This process cannot be guaranteed but the applicant would have to fully fund the works irrespective of the outcome. The cost of these works could however be deferred until such time as the Church is given notice to quit the college car park as the existing arrangements will suffice.

5.4. GBC Environmental Protection

11/05/2023

In order to continue to protect local amenity from noise nuisance we would wish to see condition 5 below, of planning application no. 20210659, remain a condition of the new application if approval is granted.

5. The level of noise emitted from the site shall not exceed the following limits:

- (i) The LAeq, 5 minute level measured 1 metre from a noise sensitive façade with activity taking place shall not exceed the LA90, 5 minute level measured from the same or comparable position, under a similar period and conditions with no activity taking place.
- (ii) The L10 in any 1/3 octave band between 40 and 160Hz measured 1 metre from a noise sensitive façade, with activity taking place, shall not exceed the representative L90 in any 1/3 octave band between 40 and 160Hz measured from the same or comparable position, under a similar period and conditions with no activity taking place.

Hours of Operation

In order to continue to protect local amenity from noise nuisance we would wish to see condition 6 below, of planning application no. 20210659, remain a condition of the new application if approval is granted.

6. The application site shall not be open to the public outside the hours of 08:00 and 21:00

6. Planning Analysis and Head of Planning Comments

Background

6.1. Prior to the temporary permission for the change of use to D1 (place of worship), the application site was last used for education and training purposes, pursuant to application reference 20090727. The workshop was used for car repair training and the ancillary offices were to be used for maritime training in connection with the Seaman's Mission. The temporary permission expired on 28 January 2016 and as a result the use of the buildings reverted back to their original permitted use as a B1/B2 workshop and offices with facilities ancillary to that B1/B2 workshop. Following this, temporary permission was granted under planning ref 20170401 for 'Change of use of The Maltings buildings from B1/B2 manufacturing with ancillary offices and amenity facilities to a D1 (place of worship) use and ancillary offices.' A four-year permission was given for this development with the officer concluding in their delegated report as follows:

'This proposal raises policy issues in respect of loss of employment floor space and a deficiency in onsite parking. Overall, it is considered that the particular circumstances of this site, the fact it has not been in employment use for an extended period and the community benefits that would arise from the proposed use, the loss of employment on this occasion can be justified. While arrangements are in place to secure sufficient short-term offsite parking provision, it is considered that the lack of a permanent solution is sufficient to justify a four-year temporary permission to enable this position to be monitored. Conditions are proposed to safeguard highway safety in the event that the arrangements for offsite parking provision changes during the four-year period. In the light of this, it is considered that policy concerns are addressed.'

6.2. A further temporary permission for change of use from office and showroom use (Class E) to mixed use of education (Class F1a) and a place of religious worship, (Class F1f) with opening hours to the public of 08:00 to 21:00 hrs was then granted under ref 20210659 on 19th July 2021 with an expiration date of 19th July 2023. Temporary consent for a two year period was necessary at the time as the period for this application was during the height of the Covid-19 Pandemic when people had been through periods of isolation and everyday activities had not yet returned to their norm. The parking provision monitoring that had taken place would therefore not have been reflective of normal activities and traffic generation to and from this site.

6.3. The applicant owns the adjoining Church to the west of the application site (known as Base Camp), as shown on drawing no. 17/194/06 A. The existing Church building now principally provides office accommodation in support of the Church's activities, although it is also used for parent and toddler group; youth group; courses; and as a Wedding/Funeral Chapel.

6.4. The Planning Statement and email received on 22/03/23 confirms the proposed use of the buildings and associated parking arrangements.

6.5. To summarise the proposed activities are as follows;

- The workshop will be used primarily for Sunday services. They take place between 10:00 and 13:00 every week. There may be the occasional use of the workshop building for other events during the year and the college may use the space as a temporary exam hall.
- The former Maltings building will provide space for the administrative support for the Church and its charitable activities. This element will employ 12 staff

members alongside volunteers; an additional teaching area, a prayer room and provide storage space for equipment.

- The existing Church will continue its use its chapel for weddings and funerals and for the existing children and youth programmes (parents and toddler group, youth group and music group).
- The building is also used for local groups (IMAGO, We are Beams, NHS (vaccinations for secondary schools), Bee Bright, Ellenor Hospice, Slimming World, Guild Guide Association, U3A, and NHS Blood Donations).
- It was stated that there is no intention to rent space out for large events such as conferences and weddings (A planning condition would be included to restrict such event in any case).

Key Issues

6.6. The key issues in determining this application are:

- The loss of the employment floorspace
- Impact on local amenity
- Car parking and highways issues

Loss of Employment Floorspace

6.7. In the most recent application (20210659), the loss of employment floorspace was assessed as follows:

The Borough's economic base is very small and any loss of employment floorspace, regardless of its size, will inevitably have a detrimental impact on this. In view of this Core Strategy Policy CS07 seeks to protect existing employment floorspace unless the loss can be justified. In particular, Policy CS07 sets out:

“Development resulting in the loss of B class employment floorspace will not be supported unless otherwise allowed for by policies set out in the Core Strategy or where:

- *the proposal will deliver at least an equivalent number of new jobs on-site or elsewhere within the Borough and the proposed use is consistent with other policies set out in this plan; or*
- *the existing premises are no longer suited for employment purposes or are incapable of being made suitable at reasonable cost and it has been shown that there is no demand for them through an appropriate marketing exercise carried out in accordance with Council guidance (Appendix 5); or*
- *the existing premises have an unacceptable environmental impact on the area within which they are situated and this is incapable of reasonable mitigation or the environmental benefit that would arise from the existing use stopping would outweigh the potential loss in employment.*

6.8. The loss of employment floorspace has been accepted under planning applications 20170401 and 20210659. With the latter permission being granted as a temporary permission in relation to parking and not the loss of employment. As such, it is not necessary to re-assess the loss of employment space as part of this current application. However, it should be noted that the Maltings building will continue to provide ancillary office floorspace to the main uses of the premises which results in the employment of 12 members of staff, alongside providing floorspace for volunteers to operate from.

6.9. The site composition is an unusual commercial offer in that it comprises both a workshop

and office floorspace. It is clear from the previously submitted marketing report that this has put potential occupants off pursuing any interest, with interest shown only in the workshop element. At the time, it was suggested to the applicant that that this should have been recognised when marketing the site and consideration could have been given to splitting the site into two elements and testing whether this would have made the site more attractive to potential occupants. The marketing report and a discussion with the agent at that time indicated that letting the site to two different operators was impractical, given the layout of the workshop entrance and the parking for the offices, plus the management and general maintenance requirements would be difficult.

- 6.10. In terms of the proposed use, the applicant is located in the Church adjacent to the application site. They play an active role in a range of local community projects, many of which are run directly from the Church building. The congregation has grown (the survey in the 2021 application showed that since July 2021 the number of attendees on a Sunday had ranged from 175-418). This site provides the space that the Church needs to provide all their activities in one location, in particular their Sunday Services can be held in the workshop building and the project administration would be located in the former Maltings building.
- 6.11. Policy CS10 gives support to proposals that protect, retain, or enhance existing physical and social infrastructure that improves community well-being. The Church clearly plays an active role in the local community and is involved in a range of projects, which contribute to the well-being of the community, and as such, the enhancement of this provision would have policy support.
- 6.12. Overall, it was recognised that the site, prior to the current use, had not been in active employment use for a significant period of time, having been used under a temporary planning permission by the adjoining College to provide training facilities, and then subsequently by the Church for religious purposes. The site configuration, as a single entity, is not attractive to most businesses, whilst this proposal will result in the loss of employment space contrary to policy CS07, the proposal does provide for an active use for the whole site, which will secure the future maintenance of the buildings and the site. Key to the proposal is that it provides a local Church with the ability to provide expanded charitable services to the local community by enabling it to focus its activities in a single location and to maintain its involvement in local community projects, as well as providing space for community groups and activities, such as baby groups, youth group, Eleanor Hospice, blood donations slimming world etc, in line with policy CS10. Given the unique nature of the site and the fact that it has been in use as an educational facility for such an extended period, and the benefits the proposed use will bring to the local community, the loss of employment on this occasion is justified.

Local Amenity

- 6.13. The site is located near a busy roundabout in an area of mixed development with the main adjoining uses being non-residential. There are, however, some residential properties in the vicinity of the application site and it is important to ensure that their amenity is safeguarded in line with Core Strategy Policy CS19. In recognition of the potential for some noise disturbance being caused particularly around the congregation arriving and departing, amplified sound and music practice carried out on the site, the Environmental Health Officer on the previous application recommended the imposition of two conditions to limit the sound from the building, these conditions would remain relevant for this assessment and no significant changes have been made from that application which would likely result in greater impact than previously approved..
- 6.14. Still relevant is the following assessment in the delegated report of 20210659:

'With the previous 2017 application (ref. 20170401), the applicant submitted some noise readings taken from the site in support of the proposal to demonstrate that there will be no adverse impact on local residential amenity. There does not appear to be any alteration with regard to any increase in noise levels and the Environmental Health Officer did not consider these sufficient to overcome the need for the suggested conditions. Therefore, the previously imposed conditions would be imposed on any forthcoming decision.'

6.15. Although noise readings have not been undertaken for this application submission, there is the benefit of approximate 6 years of temporary use in total. Environmental Protection have confirmed that there have been no noise complaints or concerns raised regarding this site in that time.

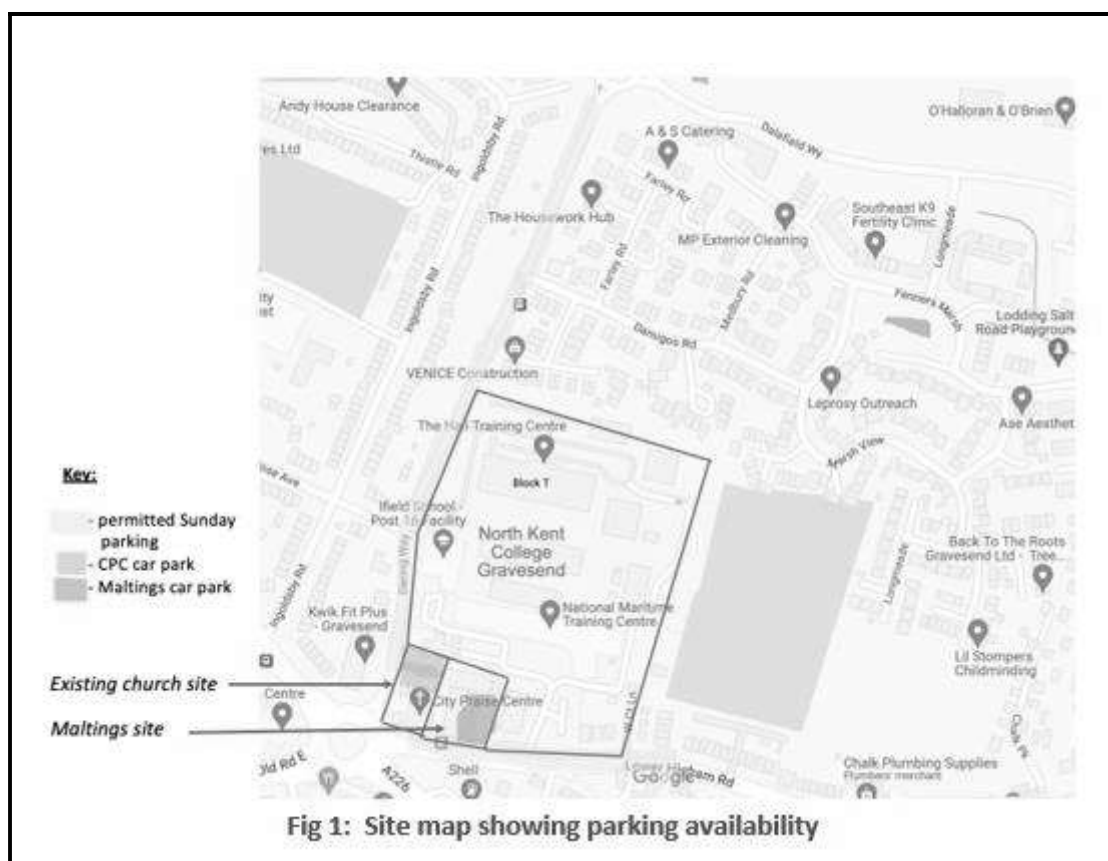
6.16. The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Car parking and highways issues

6.17. The property is located close to the busy Lion Roundabout, with its access on Lower Higham Road. Parking restrictions outside the site and some 100m into Chalk local centre are in force Monday to Saturday between the hours of 8.00am to 6.30pm. There is a bus stop immediately outside the property. The application sets out that the office element employs 2 full time staff and 5 part time as well more than 10 volunteer staff. The workshop, subject to changes to the escape arrangements and a new enhanced detection system, has the capacity to accommodate 621 people overall (including people on stage and on the mezzanine).

6.18. Core Strategy Policy CS11 sets out that “ *new developments should mitigate their impact on the highway and public transport networks as required....Sufficient parking in new development will be provided in accordance with adopted car parking standards, which will reflect the availability of alternative means of transport*”.

6.19. In terms of parking provision, the scheme proposes a total of 57 spaces available every day between the Existing Church Site and The Maltings Car Park. The existing agreement between the applicant and North Kent College allows overflow use of 77 of their designated car parking spaces on Sundays (they have a five-year rolling agreement). It should be noted that the current agreement expired on 16 January 2023. There are now also approximately 100 additional parking spaces as an overflow as per the agreement with Westcourt Primary and Nursery School included in the travel plan. Due to the lack of Sunday parking restrictions, there are also on street parking possibilities on Dering Way (approximately 80 cars) and Lower Higham Road (Approximately 15 cars). For clarity, the below site map is taken from the Travel Survey and Plan:



6.20. The Kent Vehicle Parking Standards requires the provision of 1 space per 5 seats for the F1(f) use and 1 space for 25m² for the office use. The details provided in the data in the Transport Statement indicates that the parking requirement is 128 and this is not disputed by either the GBC Highways Officer or KCC Highways.

6.21. Following the GBC Highway Officers comments, the agent submitted the proposed Church Parking Plan, which matched that approved under planning ref 20180056, and so there would be no lesser parking availability. It is also noted that the revised travel survey that there is an agreement with Westcourt School for 100 parking spaces as a back-up to the provision by the college. A site visit to the location has demonstrated that there are 24 parking spaces at the Church and 33 at the Maltings, with approx. 12 cycle spaces also available at the Maltings.

6.22. This application is supported by a Transport Statement (City Praise Centre 2022/23 Travel Survey and Plan) which provides a picture of the parking usage between July 2021 to October 2022. The latter 6 months are noteworthy as the church was operating at its maximum capacity and the following points were noted:

- On a Sunday we need around 40-80 extra car parking spaces. This is easily catered for by on-street parking but as mentioned, we provide adequate provision via our agreement with North Kent College
- The maximum number of extra car spaces we have ever used is 73 (430 attendees). This was at a special baby dedication and baptism event and not part of our 'normal' services
- Around 20-30% of people who attend the church are children who cannot drive

6.23. Of these regular attendees, the transport statement sets out the following data.

Modes of travel

	2022 Survey No. of people (% of total)	2021 Survey No. of people (% of total)
Car drivers:	32 (26%)	34 (28%)
Car passengers:	74 (61%)	73 (59%)
Walk:	13 (11%)	11 (9%)
Used public transport:	1 (1%)	5 (4%)
Cycle:	1 (1%)	0

Distance lived from church

	2022 Survey	2021 Survey
> 1 mile:	38 (8 cars)	11 (3 cars)
1-3 miles:	25 (9 cars)	21 (9 cars)
4-5 miles:	9 (4 cars)	1 (1 cars)
6-10 miles:	52 (18 cars)	13 (12 cars)
> 10 miles:	17 (7 cars)	10 (7 cars)

6.24. The applicant has provided some clarity to the tables indicating that the surveys conducted were anonymous and so it was not possible to tell if multiple responses were given by people travelling in the same vehicle and so there is a higher number of cars indicated in the distance table than car drivers in the Modes of travel table.

6.25. The tables from 2021 and 2022 show a higher number of respondents in 2022, from 56 to 141 people. This could indicate a significant increase in number of people attending Sunday Services. However, attendance records are also provided in the travel plan from July 2021 to October 2022. For a similar comparison the average number of attendees between 25th July and 12th December 2021 was 254, with the highest number of attendees in this time frame being 355. From 2nd January 2022 to 16th October 2022 the average attendance was 304, with the peak attendance in a single service being 430. However, it should be noted that there is less data available for 2021 and this excludes the first half of that year. In any case, the data does appear to show a minor increase in attendees. However, the travel surveys had a significantly greater number of people responding in 2022 than 2021, likely due to the Covid restrictions being lifted and concerns related to Covid reducing over that period.

6.26. The key issue raised by the original change of use application (20170401) and resulting in the temporary 4-year consent, and then again, the further 2-year temporary change of use (20210659) was a lack of adequate onsite car parking to meet the needs of the church and ancillary offices, or suitable alternative permanent provision offsite in proximity of the site particularly on a Sunday/events. As a result, the church had a 5 year rolling arrangement with North Kent College to use their car park on Sundays, however there was, and still remains, no certainty as to how long this arrangement will last. This remains to be a key issue at hand.

6.27. It is noted however that throughout the period of successive temporary use applications, there appears to have been no issues with off-site parking provision from the use of the site. It would therefore be unreasonable to refuse the application purely on the grounds of parking provision if an agreement can be entered into to ensure adequate parking

provision would be continuously provided.

6.28. Whilst the previous concurrent temporary planning consents identified that no parking issues arose during that time, at these times however, the 5 year rolling parking agreement with the college was in place. So, for the application to be acceptable, appropriate parking provision must be secured. The agreement currently provided is dated 16th January 2018. It does state that the agreement is on a 5 year rolling basis and therefore it has been in excess of five years since the agreement was provided. An updated agreement would therefore be necessary and the applicant is unable to provide this.

6.29. The GBC Highways Officer stated 'there is a significant shortfall of car parking provision if the College were to cease their agreement' and KCC Highways Officer raised objections for similar reasons. Potential solutions were explored but have not been achieved.

The KCC Highways Officer confirmed that the data provided indicated that 128 parking spaces are required. They also state: *'If the parking arrangement with the College were to cease, this could result in a significant number of vehicles parked on-street in the local roads where there is currently no restrictions on a Sunday. This could result in a highway safety issue and severe congestion in the area.'*

6.30. Given the parking concerns raised, in particular in relation to the use of the workshop for Sunday prayers and events, this component of the proposal requires suitable parking-provision to be secured for the proposal to be deemed acceptable in planning terms. In the context of the applicant's red line boundary for this application, it has been demonstrated that only 33 parking spaces are available. Whilst this element of the parking could be controlled via a planning condition, any additional parking cannot be controlled via a planning condition, as it does not form part of the red line boundary for this application. This should also restrict the number and type of events taking place as outlined in paragraph 6.5 of this report.

6.31. A section 106 agreement would allow the Council to secure the following in relation to the use of the workshop building:

- Sufficient on-site and off-site (128 parking spaces in total)
- Monitoring of on-site, off-site and on-street parking
- If necessary, subject to monitoring, the provision of a Travel Plan. A Travel Plan is an important tool used for delivering sustainable access to development. It is a package of measures aimed at facilitating and promoting the use of sustainable modes of travel amongst a target audience
- If necessary, subject to monitoring, the provision of a review of local on-street parking restrictions and if required, the implementation of revised on-street parking restrictions
- In the absence of the above, agreement that the workshop building, cannot be utilised for any use.

6.32. Without the Section 106 agreement, despite the good intentions of the applicant, there is no certainty that appropriate parking provision would be available at all times. The proposed development without an agreement would result in unrestricted parking on the local road network and given its location would cause severe congestion, outside of current on-street parking restrictions.

6.33. Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) commonly known as S.106 agreements, are a mechanism that we as a Council

can use to secure enforceable outcomes in development as follows:

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.

6.34. In this case the local planning authority and the landowners would enter into a Section 106 agreement which would allow the development to be tied to an updated Travel and Parking Plan. It would then secure the use of the site against the provision that adequate parking provision is kept available.

6.35. Subject to details reserved by Section 106, adequate vehicle and cycle parking provision would be available 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.

7. Conclusion and Recommendation

7.1. The recommendation is for the application to be delegated to the Head of Planning in consultation with the Chair and Vice Chair, to grant Planning Permission, subject to the finalisation of planning conditions and the completion of a Section 106 agreement. In the event of the Section 106 agreement not being completed, the planning application will be reported back to Planning Committee for redetermination.

Recommendation

Recommendation to grant PERMISSION subject to planning conditions.

Suggested Conditions

Time Limit

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:

Application Form

OS Plan

17/194/01 – Existing Plans and Elevations

17/194/02 – Existing Plans and Elevations

17/194/03 A – Proposed Plans and Elevations

17/194/04 A – Proposed Plans and Elevations
17/194/05 – Proposed Parking Plan
17/197/06 – Existing Church Parking Plan
17/197/06 – Proposed Church Parking Plan
21/330/03 – Proposed Plan and Elevations
Planning Statement
Revised Travel Survey and Plan
Email from Agent confirming Activities received 22/03/23

Reason For the avoidance of doubt and in the interests of proper planning.

Noise Control

3. The level of noise emitted from the site shall not exceed the following limits:

- (i) The LAeq, 5 minute level measured 1 metre from a noise sensitive façade with activity taking place shall not exceed the LA90, 5 minute level measured from the same or comparable position, under a similar period and conditions with no activity taking place.
- (ii) The L10 in any 1/3 octave band between 40 and 160Hz measured 1 metre from a noise sensitive façade, with activity taking place, shall not exceed the representative L90 in any 1/3 octave band between 40 and 160Hz measured from the same or comparable position, under a similar period and conditions with no activity taking place.

Reason To protect residential amenity in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

Public Opening Hours

4. The application site shall not be open to the public outside the hours of 08:00 and 21:00.

Reason In order to safeguard the amenity of nearby residential occupiers and avoid indiscriminate parking locally and hazards to highway safety by virtue of vehicles parked on the public highway, given the absence of sufficient permanent parking provision to meet the adopted Vehicle Parking Standards, in accordance with Policy CS11 (Transport) and Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1. DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2. BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme

granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.