
SUMMARY REPORT

Application Ref:	20250369
Site Address:	The Peacock Public House 78 Peacock Street Gravesend Kent
Application Description:	Change of use from Public House (sui generis) to Place of Worship or Religious Instruction (Class F1) at ground floor.
Applicant:	Al-Haqq Academy
Agent:	Mr Haris Kasuji, RR Planning Limited
Ward:	Town
Parish:	Non-Parish Area
Decision due date:	23 rd June 2025
Publicity expiry date:	22 nd May 2025
Decision Level:	Committee Decision
Reason for referral:	Head of Planning Call-in
Recommendation:	Grant a temporary planning permission subject to the conditions set out within this report, and to delegate authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

Summary of Reasons for Recommendations

The proposal is to change the use of the ground floor from a public house (sui generis) to a place of public worship of religious instruction (or in connection with such use – use class F1(f)). Some alterations are proposed to the ground floor, but no external changes are proposed to the building with exception to signage on the front elevation.

The first and second floors of the building are comprised of a four-bedroom flat, which benefits from a permission granted on 27 September 2024 for conversion into a 5 bedroom HMO, under Planning Application 20240200.

The basement of the property was previously primarily utilised for storage in connection to the Public House. No changes are proposed to the basement, and it would remain as an ancillary storage space, connected to the proposed use.

The proposals will have no detrimental impact on the surrounding townscape, character of the area, parking and highway safety. The scheme takes into account the history of the site and wider context of the area.

In order to be positive and proactive, during the course of the application discussions took place with the agent to address (where appropriate) comments received from consultees and 3rd parties.

The development is considered to comply with the Development Plan and material considerations, however, due to concerns existing in relation to amenity impacts associated with the proposed use, the recommendation is for Temporary planning permission, subject to conditions as set out within this report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. This proposed use relates only to the ground floor of this building, with the basement being utilised for storage purposes. 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 was 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.

2. Planning History

Reference	Description	Decision	Decision Date
20240201	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).	Refused	22.10.2024
20240200	Conversion of the first and second floor 4 bedroom flat into a 5 bedroom HMO.	Permitted	27.09.2024
20070921	Conversion of first and second floors into two, two bedroom self contained flats.	Permitted	12.12.2007

Remaining planning history is prior to 2000

3. Proposal

- 3.1. 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).
- 3.2. 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/area for religious instruction. The basement and ground floor would be occupied as a Mosque also known as a Masjid, by members of the Muslim faith.
- 3.3. 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. Muslims pray five times a day, with 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.

- 3.4. In addition to these prayer times, Mosques also tend to hold Tarawih prayers during the month of Ramadan as part of Isha prayer (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, however these prayers are held in the morning.
- 3.5. The activities proposed by the applicant indicates that the Mosque would be operational, for prayers, at times which vary with the season. Indicative timings for summer and winter prayer times have been provided by the applicant as an example, however it should be noted that these are indicative and will vary throughout the year:

Summer

- Fajr: 4.30am;
- Dhuhr: 12.15pm;
- Asr: 8.00pm to 9.00pm depending on time of year;
- Maghrib: 9.00pm to 9.40pm depending on time of year; and
- Isha: 10.50pm.

Winter

- Fajr: 7.00/7.30am depending on time of year;
- Dhuhr: 12.00pm;
- Asr: 3.15pm to 4.20pm depending on time of year;
- Maghrib: 4.00pm to 5.00pm depending on time of year; and
- Isha: 6.15pm weekends / 7.30pm weekdays.

- 3.6. In addition to providing a venue for prayers to take place, the applicant is also proposing that the venue is used for educating children supplementary, this education would be supplementary to a child's mainstream education, and would provide Islamic Studies to children so that they for example can read and speak Arabic. Such facilities within a mosque, are traditionally known as a 'Madrasa' which is the Arabic word for a school, college or university that provides religious education.
- 3.7. The Madrasa will cater for up to 30 children (aged between 5 and 15) and will operate between the hours of 5:00pm to 7:00pm on weekdays and between 9:00am and 12:30pm on Saturdays and Sundays.
- 3.8. 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

4. Planning Policy, Development Plan and other Material Considerations

- 4.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
Saved policies in the Gravesham Local Plan First Review, November 1994;
The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025).

Gravesham Local Plan Core Strategy (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

4.2. Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

4.4. 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.

4.5. 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 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 (2024)

- 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 Places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG4 – KCC Parking Standards (2006)
- Design for Gravesham - Design Code SPD (2024)
- Kent Design Guide (2000)
- Manual for Streets (2007)

5. Consultations and Publicity Responses

Consultations

GBC Environmental Protection

5.1. It's noted that details regarding times of use, expected numbers of worshippers and the nature/style of the worship has been included with this application. In addition, a 'Planning Noise Assessment' by Hepworth Acoustics dated March 2025 (Report Ref: P24-458-R01) has been submitted. The noise assessment includes on site background noise monitoring and also a comparison of noise associated with the same type of worship at a similar sized venue.

Prayers/worship services are described as generally silent apart from a brief audible part by the Imam for some services. There is no amplification. Some services will take place early in the morning and also late at night dependant on seasons, and it is understood that sunrise and sunset times play an important part in this. These early and late times could be considered as being at antisocial times, however, it is anticipated that there will be less worshippers at these times when compared to afternoon.

Although the noise assessment advises that noise breakout from the prayers in the building will not be an issue or cause adverse impact, clarification of the start/end times is needed. Start times for worship have been cited in the D & A but it's not been made clear if for example 04.30 is the earliest that Fajr prayers will start, and there is no end time given for the Isha prayers which are stated as starting at 22.50 in the summer. This needs clarification as any noise at these times will be far more noticeable than during the daytime and disturbance of sleep could happen.

The noise assessment has based assumptions on windows being kept closed to minimise noise outbreak. If planning is minded to grant the application, a condition should be imposed that prohibits the opening of any windows during the evening and early morning prayers. In addition, any form of amplified voice or sound should be prohibited during these times.

The noise assessment also provides a specification options (section 4) for upgrading the floor/ ceiling partition between the ground floor use and the flats/HMO rooms above on the 1st floor. This is based on the criteria previously advised sound insulation level of DnT, W + Ctr) is not less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB).

A Travel Plan has been submitted which will assist in minimising noise associated with people coming and going to the building for worship.

The following conditions are therefore recommended, but it would also be advisable to impose a condition based on start/finish times for operation once the timings have been clarified.

Noise mitigation

Noise mitigation measures shall be put into place as follows:

- There shall be no amplified music or voice at any time between the hours of 20:00 and 07:00.
- All windows will be kept closed during services/prayers that take place at any time between the hours of 20:00 and 07:00.

Sound Insulation

Prior to first use, sound insulation of the ceiling/floor partition between the approved use on the ground floor and the residential use on the 1st floor shall be upgraded such that sound insulation performance of the partitions 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) in accordance with the details contained in the 'Planning Noise Assessment' by Hepworth Acoustics dated March 2025 (Report Ref: P24-458-R01).

A post completion noise survey/sound insulation test must be undertaken by a competent qualified acoustic consultant. The results of the survey report shall be submitted to and approved in writing by the Local Planning Authority.

The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the report detailed above.

If the post completion survey reveals that the noise emission limit as set out in the above report has not been met further noise mitigation shall be implemented.

The final noise mitigation scheme shall be operated and maintained thereafter.

KCC Highways

5.2. Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

This is an "edge of town centre" location where there is plenty of opportunities to travel by sustainable transport - buses, cycling and walking. Car parking in the local roads is restricted to 2 hours and there are several nearby public car parks. This proposal is unlikely to have any unacceptable impact on the local highway network.

It is important to note that Local Planning Authority (LPA) 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 LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass,

shrubs and trees, 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 and near the highway 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 pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

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. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, 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.

Further 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.

Kent Police Designing Out Crime Team

- 5.3. 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. We recommend the applicant review current site security and boundary treatments. We advise boundary treatments to be a minimum of 1.8m in height with support beams facing inwards, any gates to a rear/ side access must also be securely lockable from both sides. It is essential that there is no unauthorised access to the rear of the site either via side access routes or via neighbouring premises.
2. Defined pedestrian routes are recommended to improve safety and avoid pedestrian and vehicle conflict.
3. If proposed, the car park must be overlooked by active windows in order to monitor activity in the area. As a secondary layer of security, we would also recommend CCTV be installed to further monitor use. 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.
4. If proposed, cycle storage must be well lit and secure, installation of cycle racks are not secure enough to protect from theft.
5. 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.
6. 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. We also recommend cameras in the following areas to keep users safe and monitor their movements; any access points including emergency exits, any stairs or lifts, loading/ unloading areas, car park and reception, main office/ safe. The CCTV must not infringe any lighting plan.
7. 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.
8. 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.

9. 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.

10. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.

11. Regarding renting out facilities or community use, the layout of the building must allow visitors access to be restricted to those areas only preventing any further access. Door access control may be required. Adequate access control is required for entrances used by staff only such as storage rooms and other restricted areas.

12. 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.

Neighbouring Properties

5.4. The application was advertised by individual letters sent to eleven surrounding properties with an overall expiry date of 22nd May 2025. 315 comments were received, 249 were in support and 66 were objecting to the scheme. Summary of comments as follows.

Support:

- Valuable addition for Muslim population and wider community.
- More accessible mosque locations would reduce overcrowding, travel burdens, with other overpopulated sites.
- It is easily walkable for many local residents and well-served by public transport.
- There is a parking area very close by, and existing residential parking restrictions would prevent misuse.
- It would encourage more community engagement and worship.
- Potential to foster intercultural understanding, promote social cohesion and charitable and education initiatives.
- It would be a sign of growth, representation, and unity in a town that already values multiculturalism.
- Grassroots organisations should be supported.
- It would provide services for both the youth and elderly.
- Considering growing number of Muslims in the area, it is a much needed place as the existing mosques, Gravesend Central (Albion Terrace) and Shah Jalal (St Hilda's Way) are operating beyond capacity with many having to pray outside, particularly on Fridays.

- Creating spaces within walking distance allows people to benefit and use the facilities locally.
- Fear that the scheme will be refused not on planning grounds but based on discrimination.
- The building has been sitting empty for some time, so it would be a productive, regenerative use for the site, revitalising a disused asset for the public good.
- Proper attention has been given to planning concerns like parking, noise and traffic management, so it is a good fit for the neighbourhood and the scheme fits with the councils adopted planning policies.
- Supporting schemes like this is consistent with modern planning frameworks emphasis on inclusion, equality and respect for cultural and religious diversity, ensuring everyone feels represented.
- A less disruptive use than a pub, where people were conducting illicit behaviour late at night, such as urinating on walls and being rude and disrespectful to local residents.
- There are plenty of pubs in the local radius.
- This would be an attraction for visits from neighbouring boroughs, helping to build up the area.
- This will help reduce anti-social behaviour and crime rates.
- It will accommodate vulnerable people and provisions will include a food bank, counselling, rehabilitation for offenders, educational classes and social activities.
- Increased foot traffic to the area, would positively affect nearby shops and services.
- Our community thrives when it is inclusive, respectful, and welcoming to people of all faiths and backgrounds. A mosque is not just a place of worship-it is a space for community service, education, charity, and social cohesion.
- A pragmatic response to the broader challenges facing the pub industry
- A responsible sustainable approach that prevents long-term vacancy and deterioration.
- Mosques can be designed to be low-impact, energy-efficient, and considerate of local aesthetics

Objecting:

- Traffic concerns
- Parking Concerns
- Noise Concerns including of amplified sound and at unneighbourly hours
- There are sufficient number of mosques in the area.
- It's a highly residential area which has existing problems.
- Use as a pub has cultural significance to the community – Loss of community asset.
- The pub has a historical placement within Gravesend which would be stripped of its identity.
- The pub used to be enjoyed by the local community, with lots of public events, such as pool leagues, darts leagues and local gigs.
- Too many pubs have been lost with the heritage they hold also lost forever.
- Inappropriate use of the site.
- Incompatible with local character.
- There is a Sikh Gurdwara nearby, introducing another large-scale religious institution could disrupt the area's established cultural and social balance.
- Overdevelopment
- Risk of precedent
- Pressure on local infrastructure
- Inadequate community consultation

- Similar sites such as those in the Westcourt Area have suffered from congestion, parking issues and noise from those visiting the mosque there.
- Not a suitable use for the town centre other uses such as restaurant, houses, or back to a pub would be more suitable.
- British culture is being taken over.
- Does not fit with local interest.
- The site is not appropriate, an alternative location with ample space and capacity would be better.
- Uses to support the whole community rather than a specific group should be considered.
- The character and dynamics of the local neighbourhood would be impacted by the alternative use.
- Would cause community tension.
- Poor community engagement.

6. Planning Analysis and Head of Planning Comments

- 6.1. This application follows recent planning refusal reference 20240201 for; '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).'
- 6.2. This amended application would need to overcome the reasons for refusal for it to be deemed acceptable, and so this will be a focal point of the assessment.
- 6.3. The refusal reasons were as follows:
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.

Principle of Development

- 6.4. 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 were previously 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 2024. 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, subject to where any individual is parked with Parrock Street Car Park it may take up to 5-6 mins for an average person, to walk to the application site.



- 6.5. 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.
- 6.6. 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 Gravesend 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.
- 6.7. Para. 98 of the NPPF (2024) 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.

- 6.8. It is therefore noted that the loss of the public house, as a community facility, would be unfavourable as per paragraph 98(a) of the Framework. 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.
- 6.9. No evidence or marketing was submitted with the previous application to demonstrate that the public house was 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 this new application, a document titled 'Marketing Particulars' has been submitted, which shows a 2-page advertisement brochure for sale of the property. This is undated and does not detail the length of time in which the property was advertised for. It does however show that Sealey's a local commercial agent marketed the property for sale as a Public House. The text within the marketing particulars references changes to the use class order that occurred in 2020, therefore it is probable that this marketing was undertaken in 2020 and in any case prior to the sale of the property at the start of 2024.
- 6.10. A Viability Assessment has been submitted in conjunction with this document which confirms that Havenwood Capital, managed the sale of the property which took place in January 2024. The document is provided by Havenwood Capital and details that the owner told them that there had been an 18-month struggle to sell the property with no interest from Public House Operators. The owner summarised that the pub was not in a viable state to sell on as a business, recording significantly lower sales in the post Covid-19 period. Due to the condition of the basement, and flat roof works were needed to the property which they felt would deter incoming buyers. Havenwood, undertook a marketing assessment for alternative buyers beginning in 2022.
- 6.11. The marketing particulars document provided does state that a marketing exercise was undertaken for 18 months in which the property was advertised as for sale as a public house. However, the company that subsequently marketed the property after Sealey's who undertook the original marketing, have provided the following timeline:
- The owner approached Havenwood Capital to market the property for sale in December 2022.
 - This followed an 18 month period where Sealeys estate agents in Gravesend were instructed to sell the public house. However, this process did not yield any interest from public house operators.
 - Havenwood Capital in 2022 received no interest in the building at the asking price (£600,000).
 - In 2023, Havenwood Capital reduced the asking price from £600,000 to £550,000. This resulted in viewings from March 2023 to July 2023 with interested developers, however due to the works and repairs required, none of these viewings resulted in offers being made.

- In September 2023 Havenwood Capital were approached by Al Haqq Academy who sought to acquire a property for their charitable use. This transaction went ahead in January 2024.
- 6.12. The latter statement is confirmed by a social media post by the previous owners on 22 December 2023, which stated the following, “Hilton, Denis & Mar, would like to take this opportunity to: Thank all of our customers, (Old and New), but sincerely regret that: ‘The Peacock’ will be closing it’s doors for the very last time 1st January 2024 Last Orders: 21.30pm due to the selling of the building to an unnamed party!”
- 6.13. Whilst the applicant does not have access to the information accompanying Sealey’s marketing of the property, it is clear from the information provided by Havebwood Capital that the property has been marketed for considerable period of time, and during that period only the current owners, the Al Haqq Academy sought to acquire the property. This shows that whilst operating the public house, the owners sought to sell The Peacock, initially for it to be operated as a public house, and then subsequently to any buyer. However due to the viability of the business and the condition of the building, no suitable purchasers came forward, with only the Al Haqq Academy making an offer.
- 6.14. The predicament of public houses, is well established and according to the British Beer and Pub Association, the number of pubs in the UK has steadily decreased every year since 2000. Some 15,000 pubs have closed in that time, including 289 last year - the equivalent of six a week. The main factors given for pub closures relate to rising costs, with income levels falling or not keeping up with rising costs.
- 6.15. 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. However, anecdotal evidence provided in comments does suggest that gatherings did take place.
- 6.16. The evidence submitted by the applicant is therefore considered to be adequate to show the site is not economically viable or capable of being made economically viable as a public house and that the property has been subject to a continuous effective marketing strategy. This change of use would therefore be compliant with 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.
- 6.17. 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).
- 6.18. Taking into account all matters, it is considered that sufficient 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. However, the public house, is shown to be an unviable use on this site, as evidenced by its disuse, and previous failed marketing strategy and the statistical data showing the decline in the number of public houses. As such the loss of the Public House in this instance, is considered to be compliant with Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2024).

Employment

- 6.19. In terms of employment, it is acknowledged that the development will employ 2 staff members. There would also be associated opportunities for job creation including in the construction of the development.
- 6.20. 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.
- 6.21. 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

- 6.22. 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'.
- 6.23. External lighting and landscaping details could be reserved by condition if the application were approved.
- 6.24. On the Side elevation (to the South facing St Andrew's Road), the elevation, including signage would remain unchanged.
- 6.25. In design terms, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014, paragraph 135 of the NPPF (2024) and the Design for Gravesham-Design Code SPD (2024), in terms of design, character and appearance.

Neighbouring Amenity

- 6.26. The NPPF (2024) 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.
- 6.27. 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, 66 objections to the proposal were received.
- 6.28. 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.
- 6.29. The main consideration in terms of the impacts on neighbours relates to noise impacts, as per the comments received from GBC Environmental Protection. A Noise Impact Assessment has been provided as part of this application. 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.

- 6.30. 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

- 6.31. The information provided by the applicant on the proposed hours, within the application form indicates that the site would be in operation 24/7. However, the Design and Access Statement provides further detail. It states that the building would host 5 prayers per day between early morning and late evening, with a capacity of up to 65 people for prayer times. Mosques are not typically fully occupied at all five daily prayers. While the afternoon Friday prayer (Jumu'ah) is the main service and often the most crowded together with evening prayers during Ramadan and Eid Prayers, the other four prayers (Fajr, Dhuhr, Asr, and Isha) have varying levels of attendance, with some prayers, like Fajr before dawn, often having smaller congregations.
- 6.32. The Design and access statement also confirms;
- 6.33. *'Prayers undertaken in the afternoon are silent and the early morning (Fajr), sunset (Maghrib) and late evening (Isha) are led by the Imam, with an audible element of up to 4 minutes. Worshipers standing behind an imam participate in prayer in silence. There will be no amplified audible external call to prayer. The five daily prayers take approximately 15 minutes to conduct.'*
- 6.34. In addition to prayers the intent would be to use the building for pastoral care on a 1 to 1 basis, after prayers or on an appointment basis. The site would also cater for up to 30 children (between the ages of 5 to 15) operating between 5pm to 7pm on weekdays and 9am and 12:30 on weekends.
- 6.35. 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.
- 6.36. The information provided on the hours, usage of the property and number of attendees has been clarified in more detail as part of this application, the information indicates that the proposal may have an impact on neighbours given the number of anticipated users anticipated at various times of the day. The public house did have opening hours late into the night, however whilst it is unlikely due to the previously discussed poor financial performance of the public house that it would have served such a significant number of people at varying times of the time, it could have catered for a significant of people arriving and departing, given that this element of the public house was not restricted and within operating hours customers could have arrived and departed at will.
- 6.37. Further information relating to sound insulation and noise impact is also required to ensure appropriate measures are taken to minimise noise impacts on residential neighbours. This application provides a Noise Assessment. The Noise Assessment concludes that with recommended sound insulation between the ground floor and flat above, the scheme would result in noise intrusion to the residences above within suitable limits, and therefore not adverse.
- 6.38. The Noise Assessment, also concludes that the noise impact of attendees arriving at and leaving from the premises would be expected to have a low noise impact. The noise

assessment includes on site background noise monitoring and also a comparison of noise associated with the same type of worship at a similar sized venue. GBC Environmental on commenting on the scheme have advised that, there is still some ambiguity on when the earliest prayer times will begin and when the latest prayer times will end. They expect the prayer times to be unsociable hours, but that comparable data demonstrates limited noise outputs from this type of use. However, the travel plan submitted will help with limiting noise externally to the building. Further clarification is provided below.

- 6.39. Conditions are recommended which would mitigate noise; by limiting when windows can be opened and preventing amplification of noise and Sound Insulation Measures. They also recommend that a condition relating to hours of use is imposed once start/finish times are clarified.
- 6.40. On balance, more clarity has been provided on the hours of use, the planning agent has confirmed that prayers do vary depending on the time of year. They confirmed that the latest time of year would be July, in which the evening prayer would take place at 22:50 with people arriving approximately 5 minutes before and by 23:10 the mosque will be empty. The early morning prayer would take place between 04:00 and 04:15 in July, although it is expected that less people will be attending at these hours. The Noise Impact Assessment does provide some assurances on noise limitation, with proposed mitigation measures. However, a predominant concern remains that given the potential for a significant number of people to arrive/depart from the Mosque in unsociable hours, it cannot be guaranteed that the use will safeguard neighbour amenity.
- 6.41. To address this concern, a temporary permission is proposed which would allow for testing of the actual impacts on residential amenity of neighbours from the proposed use, before a permanent change is agreed to ensure that the proposal would therefore be in compliance with policy CS19 of the Core Strategy 2014.

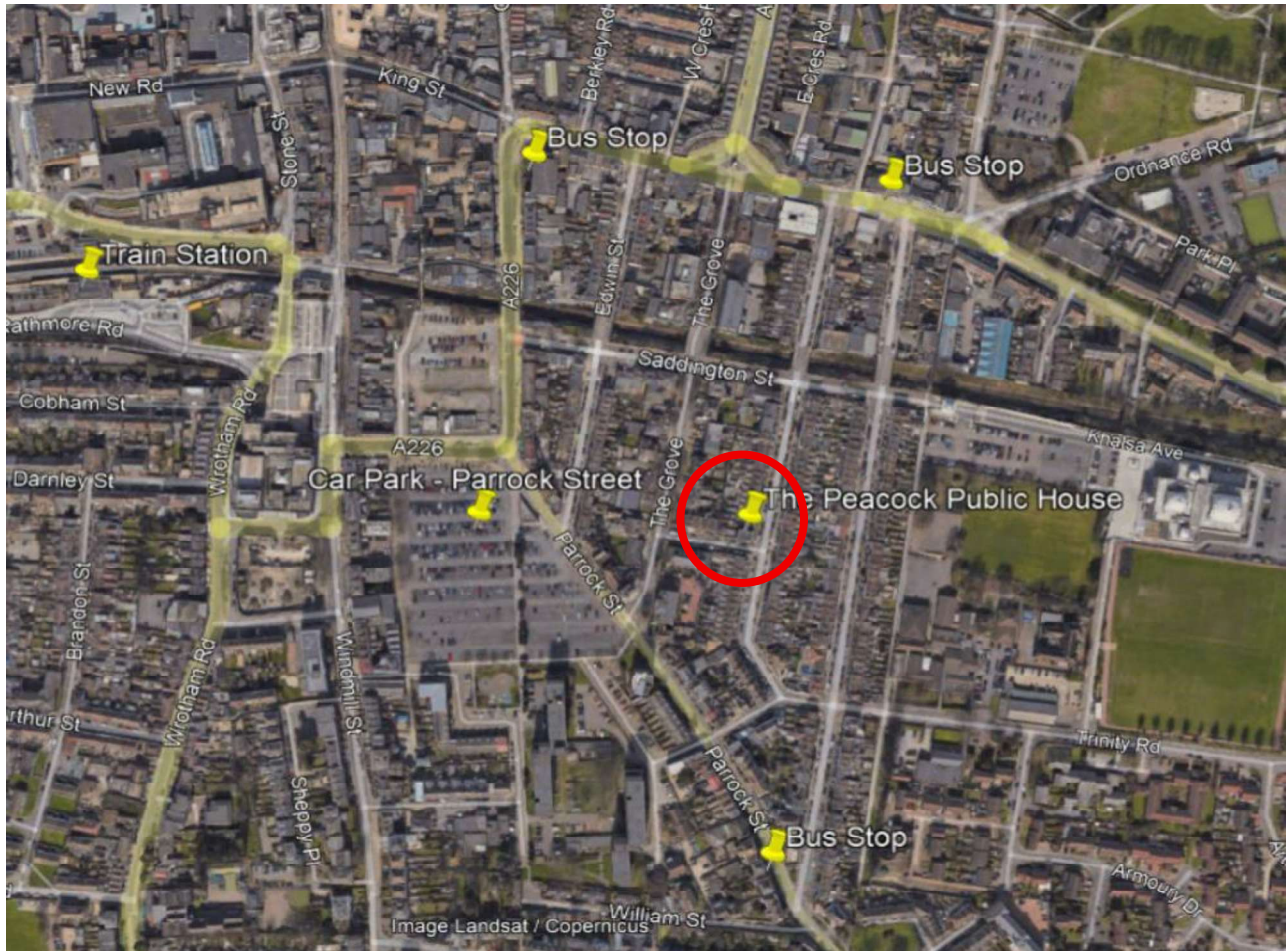
Parking and Highways

- 6.42. 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.
- 6.43. 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.
- 6.44. The Travel Plan and Transport Statement provided includes the provision of a Travel Coordinator and methods to be applied which would encourage active travel to the Mosque including; provision of a travel information board, travel guide and newsletter, an annual travel meeting, public transport taster tickets, encouraging car sharing, personalised travel planning with the Travel Plan Coordinator, social media communication measures, provision of cycle parking and volunteers to direct people to appropriate car and cycle parking in the local area. The plan states that an annual monitoring report will be provided to KCC but as the determining authority, this information will need to be provided to Gravesham Borough Council and will be secure by condition.
- 6.45. The current Travel plan confirms that the proposals include a 65 worshipper capacity for prayer times and provision for up to 30 children for religious instruction at separate times. Therefore 12 vehicular parking spaces would be required.

6.46. In terms of cycle storage provision, the Parking Standards require 1 space per 50 seat or 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.

6.47. 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.

6.48. 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.



6.49. 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:

6.50. *'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.'*

6.51. The KCC Highways Officer has not objected to the development.

6.52. 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 12 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.

6.53. 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 (2024), 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.

Waste and Refuse

6.54 The previous submission indicated that there would be an available bin store in the corridor which would house 2 x 240L bins. The would be easily transported with a ramped route and positioned to the front of the site for bin collection purposes. It is considered that this arrangement can be achieved again and will be conditioned accordingly. The GBC Waste and Refuse Officer was happy with this arrangement on the previous submission and the details are the same.

7. Other Matters

Human Rights

7.1. The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

Equalities

7.2. The application has been considered in accordance with the Council's Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development has raised concerns amongst some members of the community in relation to community cohesion, however these concerns primarily relate to matters of national debate. The proposed use in itself is not anticipated to have any potential impact from an equality perspective, with the roles of mosques in modern times including embracing community service, interfaith dialogue, and social cohesion.

8. Conclusion

8.1. it is considered that sufficient 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. However, the public house, is shown to be an unviable use on this site, as evidenced by its disuse, and previous failed marketing strategy and the statistical data showing the decline in the number of public houses. As such the loss of the Public House in this instance, is considered to be compliant with Policies CS05, CS07 and CS10 of Gravesham's Local Plan Core Strategy (LPCS) (2014) and paragraph 97 of the National Planning Policy Framework (2024).

- 8.2. 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.
- 8.3. The additional information provided regarding hours of use/capacity numbers and provision of the Noise Assessment provides greater clarity and assurances on the impact to residential neighbours. However, given the highly residential nature of the area and the potential for large numbers of visitors at unsociable hours, a cautious approach to ensure impacts to residents are limited, would be necessary if the application were to be approved. A temporary planning permission would allow impacts to be fully assessed before a permanent use is allowed. Concerns remain that 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 (2024).
- 8.4. 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 (2024) and the Design for Gravesham-Design Code SPD (2024).

Recommendation

Grant a temporary planning permission subject to the conditions set out within this report, and to delegate authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

Conditions:

Time Limit

1. The use as a Place of Worship or Religious Instruction (Class F1) at ground floor as hereby permitted shall be for a limited period of two years only ending no later than two years from date of this decision notice. The use carried out in pursuance of this permission shall cease thereafter.

Reason: In order that the use can be reviewed at the end of the period hereby granted, having regard to impacts on the amenity of surrounding occupiers and highway safety and in accordance with Policies CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review 1994.

Approved Plans

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

Application Form
Location Plan
PA-644-102 – Existing Ground Floor Plan
PA-644-205 – Proposed Block Plan
24315-D02-A – Ground Floor Plan
24315-D03-A – Basement Plan
Transport Statement

Travel Plan
Noise Assessment
Viability Assessment
Planning and Design and Access Statement

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

Prior to first use

Travel and Parking Management Plan

3. No religious services, prayers, classes or events shall take place on the site until a Travel and Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Travel and Parking Management Plan shall include (but is not limited to) measures and initiatives to discourage the use of the car as the main means of travelling to the site including, amongst other things, targets for non-car modes of travel and arrangements for the promotion of the initiatives to discourage the use of the car identified in the Travel Plan. In addition an assessment of the following should be included:

- the number of people attending each religious service, prayer class or event held at the premises
- details of the mode of Transport used
- details of where the trip was made from
- For those using cars - the availability of other modes of transport and how well used
- modal shift over time

Thereafter, the Travel Plan shall be implemented as approved and monitored annually, and a report which includes the monitoring results, together with any amendments to the plan, shall be submitted to the Local Planning Authority for written approval after 18 months from the first commencement at the site, and thereafter annually. Following the written approval of the subsequent reports, the approved revisions to the Travel Plan shall be implemented in full and thereafter complied with.

Reason: In order to minimise and manage the impact of the use of the site on the amenity of nearby residential properties and the local highway network, given the frequency of use and the lack of permanent dedicated car parking to meet the adopted vehicle parking standards, in accordance with Policy CS19 (Development and Design Principles) and CS11 (Transport) of the Gravesham Local Plan Core Strategy (September 2014) which seek to safeguard local amenity and highway safety.

Cycle Storage

4. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The storage facilities should be secure and weatherproof and well-lit. The development shall be carried out in accordance with the approved details before the first occupation of the development and be maintained thereafter.

Reason: To encourage the use of a sustainable and environmentally acceptable mode of transport, and in accordance with Gravesham Local Plan Core Strategy Policy CS11: Transport, Policy CS19: Development and Design Principles and the adopted vehicle parking standards (SPG 4).

Refuse Arrangements

5. Prior to first used and notwithstanding the details shown on the approved plans, submitted documents and application form, details of the refuse arrangements along with a refuse collection management plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores and the management plan shall include arrangements for how the bins shall be taken nearer to the public highway on collection days and then returned to the bin store after the refuse has been collected. The development shall be carried out in accordance with the approved details prior to first occupation of any of the residential units hereby permitted and shall thereafter be retained for such purposes at all times.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Sound Insulation

6. Notwithstanding the details shown on the approved plans, submitted documents and application form, before the development as hereby permitted is brought into use and occupied, a post completion noise survey/sound insulation test shall be undertaken by a competent qualified acoustic consultant and shall be submitted to and approved in writing by the Local Planning Authority.

The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the 'Planning Noise Assessment' by Hepworth Acoustics dated March 2025 (Report Ref: P24-458-R01). If the post completion survey reveals that the noise emission limit as set out in the above report has not been met further noise mitigation shall be implemented as agreed with the local planning authority. The final noise mitigation scheme shall be operated and maintained thereafter.

Reason: In order to safeguard the living conditions of residential neighbours in pursuant of Policy CS19: Development and Design Principles of the Gravesham Local Plan.

Ongoing

Hours of Operation

7. The use of the building hereby permitted for prayers shall be between the hours of 04:00am and 11:00pm only. The use of the building for Madrasa shall only take place between 5.00pm to 7.00pm on weekdays and 9:30am to 12:30pm on weekends. No works or ancillary operations related to this use of the premises, that are audible at the site boundary shall take place outside of the hours stated in this condition.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Noise Mitigation

8. The use hereby permitted shall only operate and be open to the public where the following is implemented:
 - (a) There shall be no amplified music or voice at any time
 - (b) All windows shall be kept closed during services/prayers that take place at any time between the hours of 20:00 and 07:00.

Reason: In order to safeguard the living conditions of residential neighbours in pursuant of Policy CS19: Development and Design Principles of the Gravesham Local Plan.

Informatives

WORKS OF CONSTRUCTION

1. Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.
 - i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
 - ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
 - iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
 - iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

BUILDING REGULATIONS AND PARTY WALL ACT

2. This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

DEVIATION FROM APPROVED PLANS

3. 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].

STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

4. 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.

KCC HIGHWAYS

5. 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

KENT POLICE CRIME PREVENTION DESIGN ADVICE

6. The applicants are encouraged to incorporate or address all the matters raised in the design advice from Kent Police with regard to Crime Prevention Through Environmental Design (CPTED).