



# Delegated Report

## Planning Application

**Planning Application No:** 20221311

**Location:** The Railway Bell Anglesea Place Gravesend Kent

**Description:** Erection of a detached Class E (a) building

**Applicant:** Mr Anmol Kataria

**Site Visit Date:** 22nd December 2022

### Submitted Documents/Plans

Application Form  
001A – Site Layout  
002A – Block Plan  
003A – Existing and Proposed Floor Plans  
004A – Proposed Elevations  
Planning Design and Access Statement  
Planning and Heritage Statement  
Heritage Statement

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                      | Decision | Decision Date |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 20220719  | Erection of a detached Class E(a) building                                                                                                                                                                                                       | Refused  | 26.08.2022    |
| 20220720  | Internal alterations including the fitting of cooking units and flue extraction system and also includes the installation of a door in the later kitchen extension into the enclosed garden area.                                                | Refused  | 26.08.2022    |
| 20220721  | Application for Listed Building Consent for the internal alterations including the fitting of cooking units and flue extraction system and also includes the installation of a door in the later kitchen extension into the enclosed garden area | Refused  | 26.08.2022    |
| 20200124  | Erection of new building for takeaway shop.                                                                                                                                                                                                      | Refused  | 09.04.2020    |
| 20191326  | Application for Listed Building Consent for installation of new external stairs to first floor flat and renewal of the handrail around the balcony.                                                                                              | Approved | 09.04.2020    |
| 19850384  | Application for Listed Building Consent for erection of ornamental brick planters on the anglesea place frontage                                                                                                                                 | Approved | 19.06.1985    |
| 19850283  | Use of land at the side as a patio garden area in connection with the adjoining Public House with ornamental painters on road frontage                                                                                                           | Approved | 18.06.1985    |

|          |                                                                                                                                                                 |          |            |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|
| 19830612 | Application for Listed Building Consent for a installation of replacement sash windows b re opening of doorway to garrick st c installation of replacement door | Approved | 30.01.1984 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS08 – Retail Leisure and Hierarchy of centres
- CS11 – Transport
- CS18 – Climate Change
- CS19 – Development and Design Principles
- CS20 – Heritage and Historic Environment

### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- S3 – Maintenance of Shopping Frontages
- S4 – Non-shopping uses in Shopping Areas
- T1 – Impact of Development on Highway Network
- TC2 – Listed Buildings

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

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- Section 2 – Achieving Sustainable Development
- Section 6 – Building a strong, competitive economy
- Section 7 – Ensuring the vitality of town centres
- Section 11 – Making effective use of land
- Section 12 – Achieving sustainable development and well-designed places
- Section 16 – Conserving and enhancing the historic environment.

### Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006);

## Consultations, Publicity and Representations

The final date to submit comments on this application ended on 24<sup>th</sup> February 2023.

## Consultees

**Ward Councillors:** 1 comment was received from a Ward Councillor raising concerns regarding the location and relationship of the proposed building to the existing Listed Building.

**GBC Conservation Officer: No comment received**

## Neighbouring properties

2 surrounding properties were consulted and 0 comments were received from members of the public.

Site notice was displayed as well as a press notice.

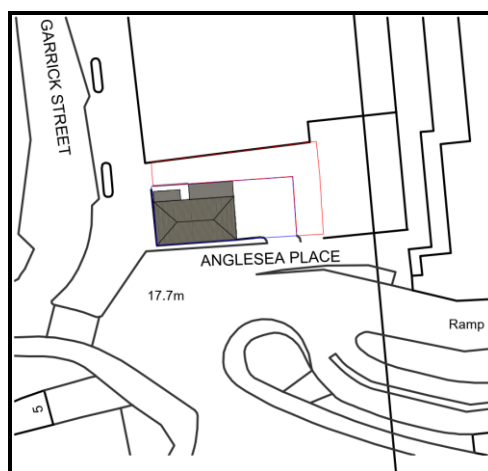
## **Officer's Analysis**

### *Site Description*

The application site is situated within Gravesend Town Centre and located to the south of the Primary Shopping Area. The western portion of the site fronts a Secondary Shopping Frontage.

The site is situated between the rear of the Railway Bell Public House to the south and the Tesco Metro store to the north.

The site location plan is extracted below (Not to Scale);



The adjacent Public House is a grade II listed building (HE Listing 1089042), but worth reviewing Historic England's listing of the building below;

#### 1. 5277 ANGLESEA PLACE (North Side)

The Railway Bell Public House TQ 6474 SE 1/50

II

2. Mid C19. 2 storeys weatherboarded. Hipped slate roof, 3 sashes set in moulded architraves with verticals only. The ground floor has 2 doorcases with cornices and brackets and left side contemporary bar front.

Listing NGR: TQ6457374095

The policy context that is of direct relevance to the proposed development are CS05, CS08 of the CSLP (2014) and S3/S4 of the LPFR (2014).

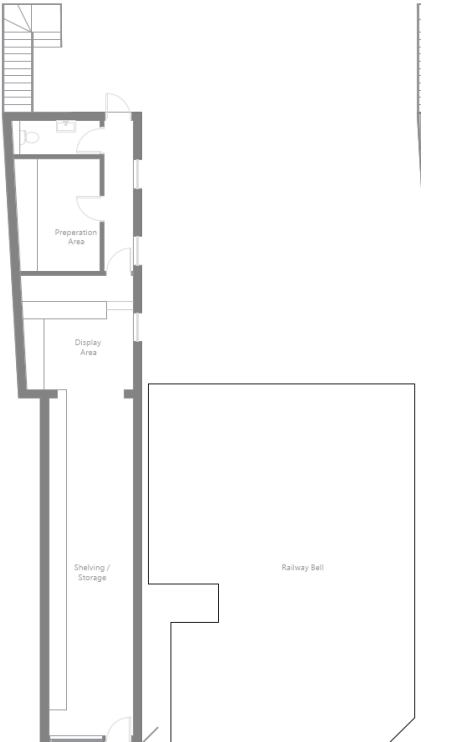
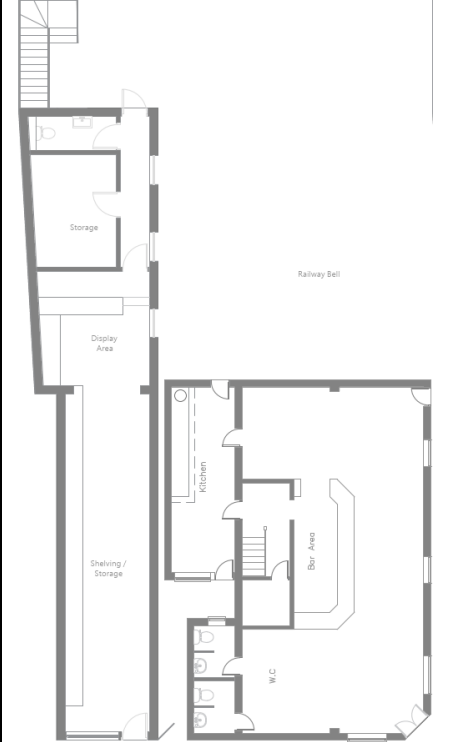
## Proposed Development

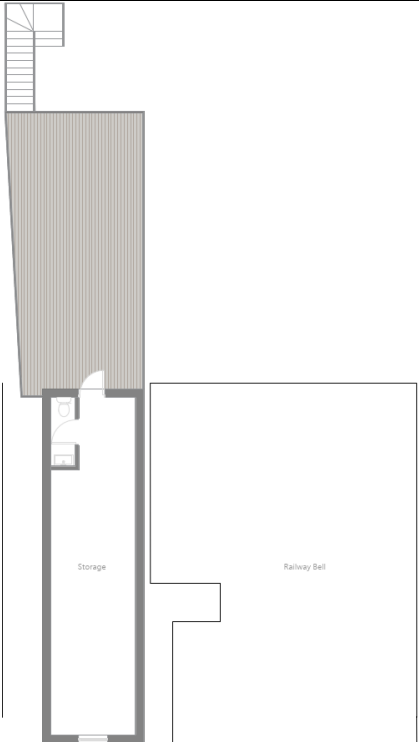
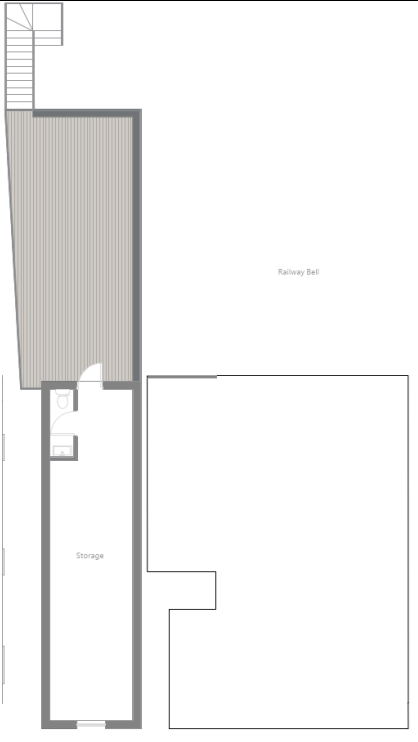
The application seeks to use the vacant space between the Railway Bell Public House and the Tesco Metro for Use Class E(a) purposes. The western boundary fronting Garrick Street would be the most visible as the development would have a shop frontage there.

From the plans submitted, the built form would comprise of a western and eastern wing of the building. The latter portion has a low brick wall above with the appearance of creation of roof terrace. An external staircase is proposed to the along the eastern boundary of the site near the parking area to the rear of Tesco Metro.

The internal layout of the western wing comprises of a long narrow room leading to the rear of the site. The plans, which is designated for storage.

It is worth noting that an application for a take away (ref 20200124) was refused at the site. It is also noted that this application follows a recent refusal for a similar scheme under ref 20220719. For clarity on the changes the plans are compared below (Not to Scale):

| Plan              | Previously Refused (20220719)                                                       | Currently Proposed (20221311)                                                        |
|-------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Ground Floor Plan |  |  |

|                  |                                                                                     |                                                                                       |
|------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| First Floor Plan |    |    |
| South Elevation  |   |   |
| West Elevation   |  |  |
| East Elevation   |  |  |

Note: Despite not being an attached building, the north elevation provides no detail other than outline.

Planning application 20220719 was refused for 2 reasons:

- 1. Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed. The Heritage Statement supplied provides limited information of the significance of the adjacent heritage asset and the potential impact of the proposal. As such, it is not possible to make a determination as to the impacts of the proposal on the grade II listed building. The proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 194 of the NPPF (2021).*
- 2. By virtue of the large blank façade directly opposite the first floor flat would create an overbearing impact to the occupants of the flat and a loss of privacy/disturbances from the creation of a roof terrace area over the single storey element of the building. As such, the proposal would be harmful to neighbouring amenity and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).*

### Principle of Development

The application site is within Gravesend Town Centre and the western boundary fronts Garrick Street, which forms part of the Secondary Shopping Frontage.

The site is covered by Policy CS05 comprises part of the Gravesend Town Centre Opportunity Area identified as sub-area 3.1 in the preamble. This policy seeks to focus town centre related economic and social activity in the Borough by consolidating the existing retail area, encouraging a mix of employment and residential uses and (among other things) promoting an evening economy and taking full advantage of its heritage and riverside setting.

Policy CS08 is also relevant to the development, this policy seeks to ensure that the Town Centre is maintained as the highest order centre within the Borough and retail, leisure, entertainment facilities and the more intensive sport and recreation uses will be appropriately directly.

Saved Policy S4 (LPFR) states that in those shopping street frontages indicated on the Proposals Map, the Borough Council will allow changes of use to uses which are appropriate to the Town Centre Shopping Area and which require a shop window frontage, including uses falling within Use Class A2, provided that the total number of buildings in such uses in each particular length of street is not excessive.

Therefore, the principle of a retail building is considered acceptable, subject to compliance with design relevant policies. Given the recent, similar refusal, the focus of this assessment will be to consider whether the changes made to the scheme would overcome those reasons for refusal.

### Refusal Reason 1 – Impact on Character of Area and Listed Building

#### *Relevant Policy:*

Policy CS20 of the Gravesham Local Plan Core Strategy September 2014 places a high priority on the preservation, protection and enhancement of its heritage and historic environment. Policy TC2 of the Gravesham Local Plan First Review 1994 sets out that the primary consideration for development affecting the setting of listed buildings, will be the maintenance of their integrity. It also states that proposals should be sympathetic in terms of massing, scale, appearance and materials to the listed building.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

#### *Changes:*

The Planning and Heritage statement provided as part of the application, makes reference to the following changed made to the application.

|                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The revised design has deleted the wrought iron safety railings on the single storey rearward projection which have been replace by parapet walls with contrasting brick on edge copings. This is to ensure that the roof cannot be used as a seating area for any Class E (b) use. The upper floor is to be used solely for storage in connection with the ground floor retail space due to its limited storage area.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Officer Note: For clarity this proposal relates to the change of use to E(a) use and not E(b) use despite

reference being made to E(b) throughout the planning statement It can only be assumed that the agent is referring to the possibility that if consented, this would allow transference between uses within the class E category, including e(b) use under permitted development rights and thus concern regarding use of the roof area for related seating. However this conflicts with other information in the report by the agent stating that they would be happy for the use to be restricted to E(a) only. If the application were to be looked upon more favourably, further clarification would have been sought regarding this.

#### *Assessment:*

This site is a compact one, with the small area proposed to host the building, likely having been left open to prevent impact on the Listed Building previously. It is this visual spacing which separates the modern functional urban buildings from the 19<sup>th</sup> Century buildings and allows it to be a standalone building of significance. Whilst the application suggests that the building would not impact the structure of the Listed Building, it fails to demonstrate that the impact on the setting of the Listed Building would not be harmed. The introduction of tightly packed built form in this area, would result in a cramped appearance, which would appear to be attached to the building although not actually attached. Whilst subordinate in scale, the presence of built form here intensifies the visual pressure on the Listed Building by the modern buildings which extend to the north. This would substantially harm the significance of the Grade II Listed Building and it has not been demonstrated that the public benefits of a Class E(a) building in this location would outweigh that substantial harm as per Section 16 of the National Planning Policy Framework (2021).

In terms of general design, as stated in the previous assessment; *'The overall layout of the site is constrained and the overall design and internal layout is peculiar.'* Previously concerns were raised with regard to the use of railings at the eastern elevation and the potential use of a seating area. But it was noted that this roof area would be only accessible from external stairs to the rear. However, limited information was supplied and it was considered not clear enough, how the roof area would be used nor why such a large storage area was required at first floor (also accessed from the rear external staircase).

The planning statement provides the following information relates to the storage area and roof area:

The revised design has deleted the wrought iron safety railings on the single storey rearward projection which have been replaced by parapet walls with contrasting brick on edge copings. This is to ensure that the roof cannot be used as a seating area for any Class E (b) use. The upper floor is to be used solely for storage in connection with the ground floor retail space due to its limited storage area.

The change from railings to a parapet wall to the rear does not prevent use of seating on the roof area and no further detail as to why it would be a preventative measure has been provided. The storage area proposed at first and ground floor level would cumulatively match that of the area proposed as retail area accessible to the public. The information provided does not adequately justify such an exceptionally large floor area, encompassing the entire first floor (with exception of a small wc). It is assumed that an internal stair has not been proposed due to it compromising the internal floor space. However, the alternative of an external staircase to the rear results in an unusual layout, convoluted and illogical use of the space. If space is constrained, it reinforces the issue of the inappropriateness of the site for development.

On balance, I do not believe that the tokenistic alterations to the railing to the rear and internal layout, nor the brief explanations provided in the planning statement overcome the first reason for refusal. However, I am of the view that the position scale and nature of the building are at its very core harmful to the Listed Building and this should have its own separate reason for refusal for clarity. The lack of adequate design detail in terms of internal layout, boundary treatment and roof canopy are also issues which would need to be addressed before this reason for refusal could be overcome.

Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of design. The Heritage Statement supplied provides limited information of the significance of the adjacent heritage asset and the potential impact of the proposal. As such, it is not

possible to make a determination as to the impacts of the proposal on the grade II listed building. The proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 194 of the NPPF (2021).

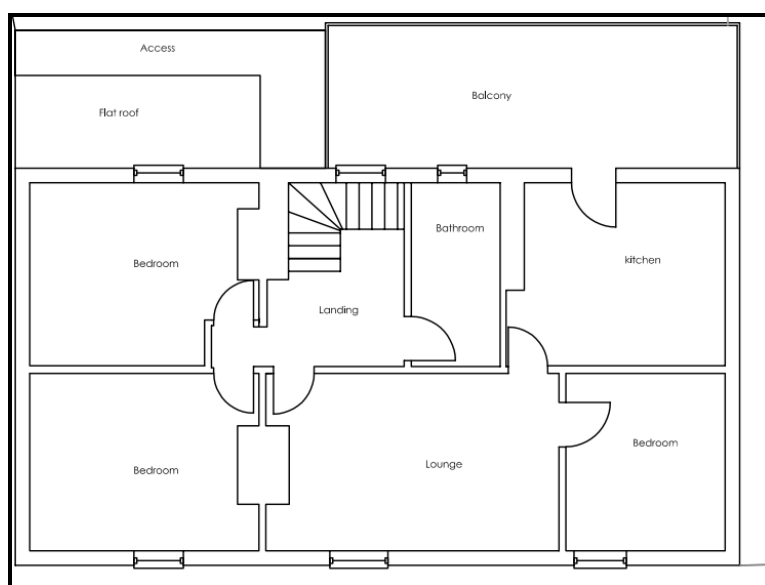
The proposed development by virtue of its position, encompassing scale and cramped nature would result in both significant harm to the visual appearance and character of the area and, substantial harm to the significance of the Grade II Listed building which is not outweighed by public benefits. The proposed is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014, Saved Policy TC2 of the Gravesham Local Plan: First Review (1994) and paragraphs 200 and 201 of the NPPF (2021).

## Refusal Reason 2 – Impact on Future Occupiers and Neighbour Amenity

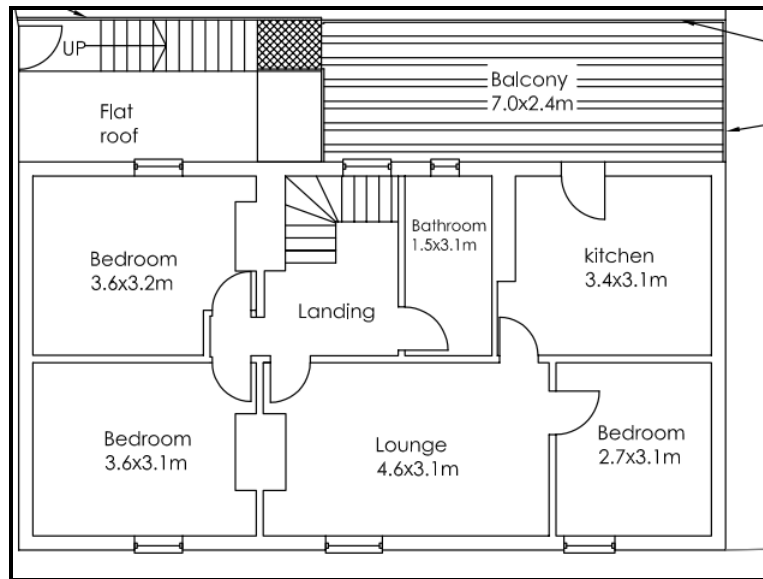
*Changes:* Alteration to railing around roof area, to low wall.

### *Assessment:*

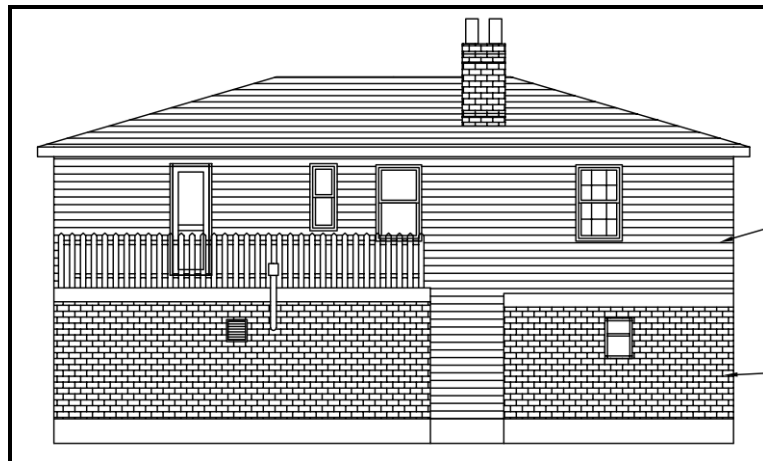
The previously refused assessment had no concerns regarding the future occupiers of the site as a retail building, and I agree with this assessment. However, they raised concerns regarding impact on residential amenity of the flat above the Railway Bell. Planning reference 20191326 proposed new external stairs and handrail to the first floor flat. This works has not been undertaken but consent to undertake these works remain in place until 09.04.2023 and so remains a possibility. Therefore impact on this neighbour should be considered based on the existing situation should it remain the same and the impact should the proposed works be undertaken. Not to Scale layouts are shown below for clarity:



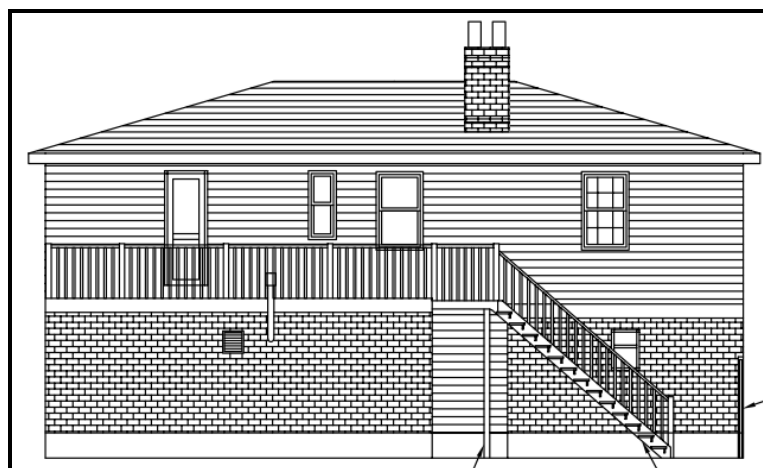
Existing Floor Plan



Approved Floor Plan (20191326)

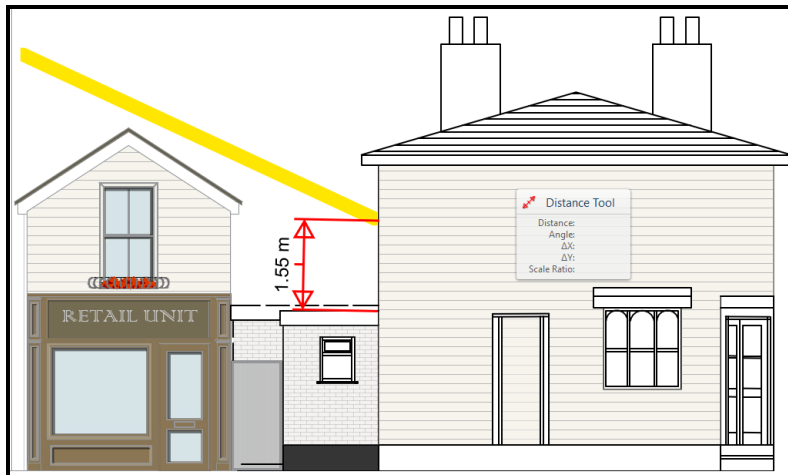


Existing North Elevation



Approved North Elevation (20191326)

In either case, there would be a bedroom, bathroom, balcony windows and kitchen doors and balcony area facing the flank elevation of the building. This would result in enclosure of the balcony area.



As the above 25 degree test shows, the proposed development would not likely result in overshadowing of these windows. However, although the proposed extension would be 2.6 metres from the windows, given that extensive depth of the two storey building, it would result in overbearing impact on all openings on the north side elevation of this flat, which is intensified by the fact that these rooms are not also served by any other openings. The proposed extension would be 0.2m from the two storey elevation and would simply by proximity, depth and height result in significant overbearing impact due to the enclosure it would form on this neighbour's balcony. Furthermore, given the roof terrace space has not been accounted for other than to state it would not be used as a seating area and to change the railing to a low wall, it is likely the use of this space by the proposed unit or workers accessing the storage space at first floor would result in unwanted noise, disturbance and loss of privacy/overlooking to the residents of the first floor flat.

The only mention of the neighbouring properties in the supporting documents provided with this application is within a discussion regarding Saved Policy TC2 relating to the Listed building. It summarised as follows:

We are satisfied that the design reflects the bulk and massing of the Listed building even though it would be 'dwarfed' by the rear wall of the Tesco Express building. As such we are satisfied that it would have no detrimental impact on the amenities of the Railway Bell or its other neighbours.

Based on the assessment above, the proposed development and the minor alterations made to the scheme, would fail to overcome the second reason for refusal and would likely result in significant, overbearing bulk, in close proximity to the residential neighbours, enclosing their external amenity space and therefore would result in significant harm to their residential amenity.

Overall, it is considered that the proposed development, would have significant adverse impacts on the residential amenity of occupiers of the first floor flat and fails to comply Policy CS19 (LPCS).

### Any Other Material Planning Considerations

#### *Highways and Parking Provision:*

As the refused application at the site for a takeaway shop was refused on Highways grounds (ref 20200124), consideration of highway impacts should be undertaken. Highway comments were sought under similar application (20220719). The changes made from that application and these are unlikely to alter the highway and parking impacts and so further consultation was not considered necessary. Given the proposed use class of the building there were no objections raised previously, notwithstanding this, concerns were raised if the site would be used as a coffee shop or bakery. However, the concerns are not

considered relevant in the context of the current application.

### Conclusion & Recommendation

The proposed development would result in significant harm the character and setting of the Grade II Listed Building and the character of the area by reason of it scale, massing and position. It would also result in significant harm to the residential amenity of the first floor flat above The Railway Bell. Insufficient information has been provided to fully assess. Whilst some conclusions can be drawn on the impact to the area and Listed Building, there is a lack of information regarding the design and impact on the Listed Building including; details within the heritage statement and boundary treatment.

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

|                      |                                                                                   |                     |                                                                                     |
|----------------------|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Ms Lisa Williams                                                                  | <b>Team Leader:</b> | Miss Faye Hobbs                                                                     |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 13th March 2023                                                                   | <b>Dated:</b>       | 14 March 2023                                                                       |