

Delegated Report

Full Planning Application

Planning Application No: 20221131

Location: Clarendon Royal Hotel Royal Pier Road Gravesend Kent

Description: Retrospective consent for the continued erection of 6 huts for a temporary 3-year period in connection with the operation of the main premises

Applicant: Gravesend Hotel Rooms Ltd

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

- Application Form;
- Existing and Proposed Site Plans, drawing no. 221007-P-003;
- Plans and Elevations Location Plan, drawing no. 221007-P-002
- Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221076	Retrospective consent for the continued erection of a marquee for a temporary 3 year period in connection with the operation of the main premises.	Refused	07.12.2022
20100293	**REVISED/AMENDED DESCRIPTION** Change of use of 20 of the residential units to serviced apartments under Use Class C1 (hotels) and minor works of alteration to the Listed Building.	Permitted	30.11.2010
20080208	Conversion of part of building into 20 self-contained one and two bedroom flats; retention of bar, formation of hotel reception in part of bar area, use of kitchen area as restaurant and use of the existing restaurant as functions hall; erection of extension at second and third floor levels on the east side elevation to provide 13 hotel bedroom suites, raising and extension to roof to provide living area to fourth floor flat and installation of balcony railings and laying out of 27 associated car parking spaces comprising 19 on land at the front and eight at the rear.	Permitted	03.10.2008
20080281	Application for Listed Building Consent for internal and external alterations in connection with the conversion of part of building into 20 self-contained one and two bedroom flats; retention of bar, formation of hotel reception in part of bar area, use of kitchen area as restaurant and use of the existing restaurant as functions hall; erection of extension at second and third floor levels on the east side elevation to provide 13 hotel bedroom suites, raising and extension to roof to provide living area to fourth floor flat and installation of balcony railings	Permitted	03.10.2008

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

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

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

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

Other material considerations

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

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

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

National Planning Policy Framework (February 2021)

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

Supplementary Planning Guidance

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

Consultations, Publicity and Representations

Consultees

GBC Conservation

No comment received

KCC Heritage

No comment received

Ward Councillors

No comment

Neighbouring properties

The application was advertised by way of site notice, press notice and 47 of the neighbouring properties were sent consultation letters with an overall expiry date of 21 November 2022. 34 responses were received objecting to the application, making the following summarised comments;

- Noise
- Anti-social behaviour
- Detrimental impact on historic streetscape
- Inappropriate size and design
- Oversized
- Detrimental impact on the area

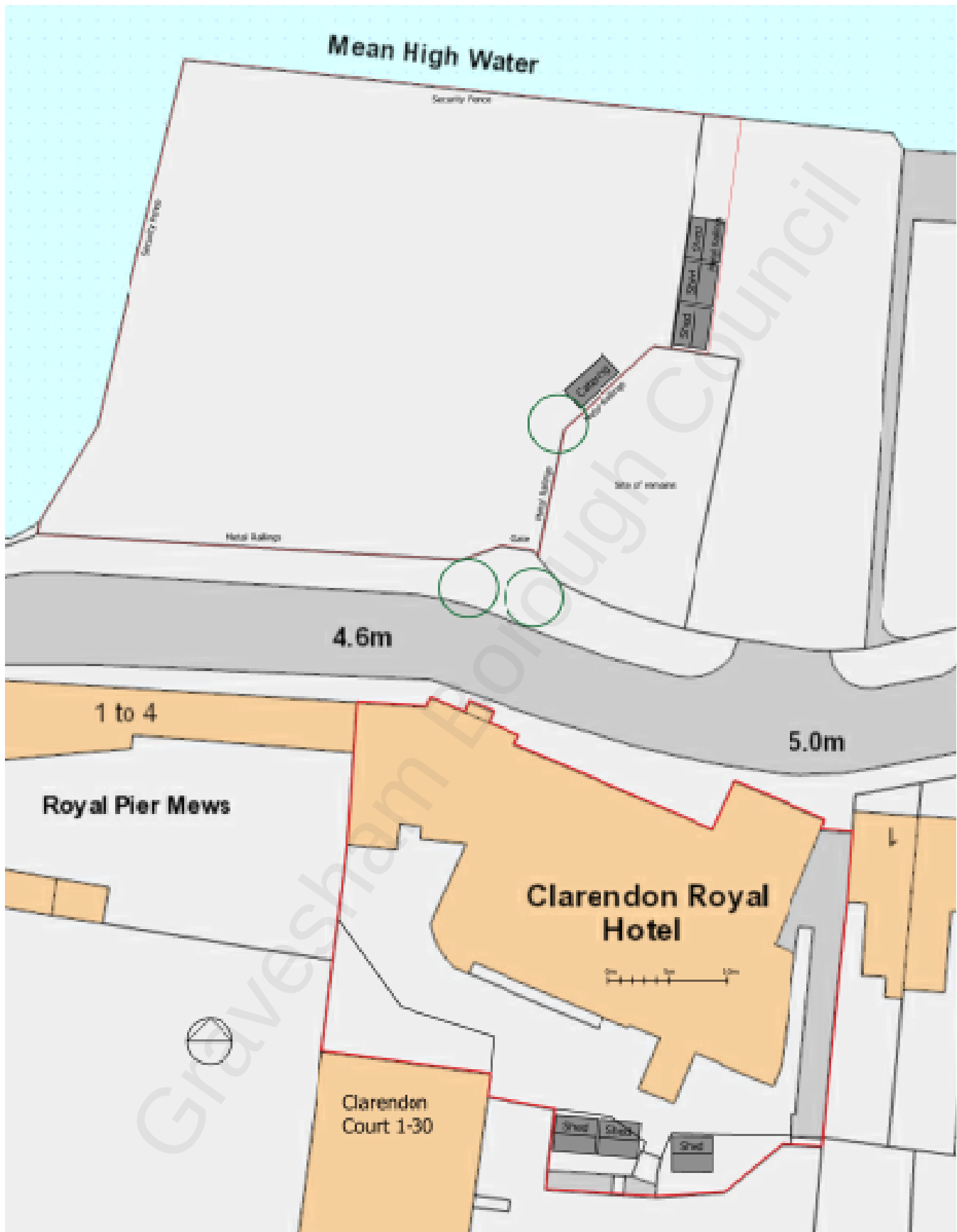
- Detracts from the listed and historic structures surrounding it
- Blocks views
- Not sympathetic or beneficial to the conservation area
- Lack of parking to facilitate use of the marquee
- Health & Safety with power cables laid across the road or through the trees
- Porta loos and waste within the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

Officer's Analysis

Site Description

The application site split is in two parts within the Gravesend Riverside Conservation Area, the area north of Royal Pier Road serves an open space picnic area south of the River Thames and is also adjacent to the Gravesend Blockhouse scheduled Ancient Monument. The second part south of Royal Pier Road serves the area to the rear of Clarendon Royal Hotel. The hotel is a grade II listed building, which is a mid-19th century four storey building which overlooks the open space and, further afield, the River Thames.

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



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

It should be noted that part of the site i.e. land north of Pier Road falls within flood zone 3.

Proposed Development

As noted above, there are heritage implications for the site, but also, it is located within the Gravesend Town Centre Opportunity Area and the associated application (20221076) effectively comprises of a change the use of part of the site from open space to being used to support the operations/activities of the hotel/bar/restaurant by offering additional outside function space over the spring and summer months. The planning statement supplied for the affiliated application maintains that the external seating area adjacent to the river Thames is ancillary to the existing uses and functions of Clarendon Royal Hotel and states that 'the scale of the development is commensurate with the scale of activities at the hotel/bar/restaurant. It provides a single storey seasonal structure which will provide an outside area to guests and passing trade using the hotel/bar/restaurant'.

This application has now been refused with 3 reasons for refusal, these namely being; the harm to the heritage assets, harm to amenity and lack of Flood Risk Assessment to assess the flood risk implications as the site is within a high flood risk area.

The current application supports the refused application (20221076) and the planning statement of the current application states;

'3 huts are proposed to the front of the site to function alongside the proposed trained marquee (live application at the time of this submission) in order to provide servicing facilities for patrons using the marquee space for outdoor drinks and pub snacks. A small catering van is also proposed... The 3 huts to the rear of the hotel are provided in order to deliver additional storage facilities relating to the hosting of events at the premises.'

The site plan indicates that 3no. huts would be situated in close proximity to the marquee, within the open space area and the other 3no. would to the rear of the Clarendon Royal Hotel. The proposed huts measures at 10.5 sq.m each and the caravan (catering unit) has a similar area of 10.1 sq.m.

The planning statement maintains that the proposed huts to the front of the site would operate alongside the temporary marquee (March to October annually) for a period of up to 3 years and would be removed outside of these operating times each year. The planning statement maintains that the huts to the rear of the hotel remain in situ throughout the year. Overall, despite the temporary nature, these huts and catering caravan are ancillary to the marquee application which has now been refused.

Principle of Development

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

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

The site is also within a Conservation Area and serves the grade II listed building The Clarendon Royal Hotel and Policies CS20 of the Gravesham Local Plan Core Strategy (LPCS) and Saved Policy TC2 and TC3 of the Gravesham Local Plan First Review November 1994 (LPFR) are also relevant.

Also of relevance, is Policy CS05 of the LPCS (2014) which states that the opportunity area will be the principal focus for the town centre related economic and social activity in the Borough. This will be achieved by consolidating the existing retail area and encouraging a mix of employment and residential uses. Within

the Gravesend Town Centre Opportunity Area, Policy CS05 commits to improving pedestrian access between town centre, the river Thames and surrounding areas. Although, Policy CS05 also requires the Council to support and enhance retail, leisure, entertainment, cultural and tourism provision in accordance with the sequential approach and also support under-used sites where this makes more efficient use of the sites and improves townscape character.

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

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

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

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

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

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

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

Notwithstanding the above, the LPA does consider that in terms of the huts/catering van supporting the use of the open space there is a principle objection against the development, as the use of the open space for drinking/restaurant uses are essentially town centre uses, on an open area of land, which requires the installation of a temporary marquee for 8 months of the year. The application sites are split in two parts, the first site forms part of the Clarendon Royal Hotel, but is physically separated from the site by Royal Pier Road and the second application site is comprised of the curtilage of the hotel but the area concerned is to the rear of the hotel. The proposed use of the open space is not entirely in keeping with the Hotel's main operational use. It is understood that the main function of the site operates under C2 use, but with ancillary bar/restaurant functions. Therefore, the intensification of restaurant use / drinking uses are not considered acceptable in terms of enhancing the riverside character of the site.

The Planning Statement maintains that the application does not amount to a 'change of use' of the site as the site is already in use by the hotel as an outside garden area, but the fact this application is required for the marquee to be installed, which essentially is a change of use of the site, would suggest the proposed huts and catering caravan support uses north of Royal Pier Road are not ancillary to the established Hotel use. This is supported by the applicant's own planning statement, which describes the huts and catering caravan, north of Royal Pier Road, as, "3 huts are proposed to the front of the site to function alongside the proposed retained marquee (live application at the time of this submission) in order to provide servicing facilities for patrons using the marquee space for outdoor drinks and pub snacks. A small catering van is also proposed."

It is evident from the applicants own planning statement that the huts and catering caravan north of Royal Pier Road, are not needed to support the day to day activities of the hotel itself.

No evidence has also been provided to justify the need for the huts to the rear of Clarendon Royal Hotel, with the only explanation provided being that they are needed to deliver additional storage facilities relating to the hosting of events at the premises.

In any case, the marquee application has now been refused (20221076) and therefore the principle of temporary huts is not considered acceptable.

Design, Character and Appearance

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

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

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

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

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

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

Nonetheless, the LPA takes the view that there would be harms to the designated heritage assets within the area, these being the Gravesend Riverside Conservation Area, the setting of the grade II listed buildings St Andrew's Arts Centre, The Mission House, Clarendon Royal Hotel, Thomas House and the Gravesend Blockhouse scheduled Ancient Monument. Historic England have, therefore, urged the LPA to

have regard for paragraph 202 of the NPPF (2021) relating to the less than substantial harm to the significance of a designated heritage asset and weighing this against the public benefits of the proposal.

In light of paragraph 202, the LPA acknowledges that there would be some benefits to the public in terms of providing the additional leisure/social offer in the immediate locality. At paragraph. 5.24 of the Planning Statement, states that the temporary nature is to allow the business to recover from the effects of the pandemic which badly affected the bar/restaurant sector in particular. In light of this, the LPA are of the view that the nature of the proposal is primarily for the applicants benefit and therefore the public benefit of the development is limited, even considering temporary and seasonal nature of the development.

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

Amenity

Paragraph 5.32 of the Planning Statement mentions the following;

'The northern site already forms an outside seating area in connection with the hotel/bar/restaurant, together with the current application for the seasonal temporary marquee, such that the additional huts would not create any additional noise, loss of light, overshadowing or loss of amenity... the huts to the rear result in no detrimental impacts to neighbouring amenity....the proposed development serves to enhance the quality of the existing outside provision provided, and in this regard is not anticipated to cause any perceptible uplift in activities which may bring about any significant impact on neighbouring amenity'
(Council underlining)

In itself, the LPA is of the view that if the huts were to be used for storage and servicing purposes only with the catering caravan providing limited support for servicing the marquee, this would not amount to significant harms to neighbouring amenity in relation to these particular structures. However, the use of the marquee for 8 months of the year over a 3 year period as set out in the decision notice for 20221076 would. The Council has received numerous comments of objection for the proposal and objectors have stated issues relating to noise, anti-social behaviour, additional litter, public safety, additional traffic/parking.

From the Hotel's website and marketing material, it is not entirely clear how the marquee would be used. However, unlike during Covid when the marquee was needed to provide additional space due to social distancing limiting the numbers who could utilise the hotel restaurant/bar, the marquee provides additional space for the hotel to host additional customers and events, such as live music. This increased patronage and use of the marquee for events, does raise amenity issues due to the levels of noise, litter and anti-social behaviour generated, over prolonged periods of the year and over prolonged periods of the day.

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

In any case, the marquee application has now been refused on the harms to neighbouring amenity and the LPA do not consider that sufficient evidence has been provided to justify the need for huts or catering caravan remaining to support the hotel, especially given the heritage sensitivities at the site.

Hours of Use

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

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

Whilst the premises licence includes the outside area as part of the licensed premises, there are the following conditions placed on the licence following agreement between the licensee and the Police:

Condition 12) All live music / karaoke events will be controlled by ensuring all windows and doors are kept closed save for the purpose of access.

Condition 13) No external events to take place.

Therefore the use of the outdoor restaurant and seating area could be used for non-licensable activities (e.g. consumption of alcohol and dining) only.

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

Evidently, the proposal for the marquee has been deemed to materially impact the amenity of adjoining neighbours by virtue of noise and disturbance. Given the outcome of the associated application of the site (20221076), the current application for the huts which effectively support the marquee application and, subsequent amenity harms, the proposed huts/catering would contribute to significant adverse impacts on the amenity of surrounding occupiers and contrary Policy CS19 (LPCS) and Paragraph 30 of the NPPF (2021).

Any Other Material Planning Considerations

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

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

Flood Risk

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

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

Conclusion & Recommendation

Insufficient detail has been submitted to allow the full impacts of the temporary marquee to be accurately assessed. In particular, a Heritage Statement has not been supplied with the application and, therefore, there

is a limited understanding of the significance of the heritage assets and impacts resulting from the proposed huts/catering unit. Given the locations and that fact the structures would be erect for 8 months of the year, it is considered the proposal would have a detrimental impact on the character and appearance of the area, the Gravesend Riverside Conservation Area, the adjacent Grade II Listed Buildings and the adjacent Scheduled Ancient Monument (Gravesend Blockhouse). A Heritage Statement has not been supplied to demonstrate otherwise. Consequently, the development is therefore contrary to Policies CS05 and CS20 of the Core Strategy and Saved Policies TC2 and TC3 of the Local Plan First Review and section 16 of the National Planning Policy Framework (2021).

By virtue of noise and disturbance, the proposal which is intended to support the marquee, will materially impact the amenity of adjoining neighbours by creating an all-weather environment that caters for a communal restaurant and seating area, for groups over prolonged periods of time. The marquee structure includes equipment for music, and the noise impact from patrons and music would be harmful to the living environment of neighbouring properties and detrimental to their amenity. The huts and catering units support the marquee uses and as the 20221076 application has been refused, the retention of the huts at the site are not considered appropriate. The proposal would therefore have significant adverse impacts on the amenity of surrounding occupiers and contrary Policy CS19 (LPCS) and Paragraph 30 of the National Planning Policy Framework (2021).

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

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

Case Officer:	Mrs Amanda Grout	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	<i>R Hart</i>
Dated:	7th December 2022	Dated:	9th December 2022