

Our ref: hk/O/Grvnd/Mos/APC27.03.25

11 April, 2025

Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU

Dear Planning Officers,

Proposed change of use from Public House (sui generis) to Place of Worship or Religious Instruction (Class F1) at ground floor of the former Peacock Public House, 78 Peacock Street Gravesend Kent DA12 1EG

Planning – Design and Access Statement

We act as planning consultants Al-Haq Academy who wish to operate a place of worship from the above vacant former public house premises.

A previous planning application 20240201 - 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) was refused on 22 October 2024 on the following grounds –

- 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.

This application considers both reasons for refusal within the body of the planning statement.

The Site

This application relates only to the ground floor of the former Peacock Public House. The basement is in an extremely poor state of repair with significant investment required and cannot be used for worship or religious instruction. The first and second floors of the building are comprised of a four-bedroom flat. Planning permission 20240200 - Conversion of the first and second floor 4-bedroom flat into a 5-bedroom HMO was approved, subject to conditions on 27 September 2024.

The application site is a three-storey building 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. The subject property is not statutorily or locally listed and is not located in a designated conservation area.

The Peacock Public House was placed on the market with commercial property agents Sealey's in approximately July 2020 and remained on the market until it was sold to the Al-Haqq Academy in 2024. Following no interest in the property from public house operators over an extended period the owners approached Havenwood Capital to market the property. Despite reductions in the asking price there was no serious interest from either pub operators or developers and the property was eventually sold to the Al Haqq Academy at a reduced asking price.

The Peacock Public House featured darts, pool, TV, live sport and live music on a regular basis with late evening opening beyond midnight at weekends. The pub closed for business on 1st January 2024 following the completion of the sale of the property.

The Application Proposal

The subject proposal is to seek change of use of the property to Class F1 use as a place of worship (Masjid). The premises will have capacity for up to 65 worshippers and religious instruction (Madrassa) for 30 children. There are no external alterations proposed to the property.

The Masjid will host 5 prayers per day, which include the early morning prayer (Fajr) and late evening prayer (Isha). Although the capacity of the Masjid is for up to 65 worshippers, in practice, there would be fewer worshippers in the Masjid at any one time. For example, the early morning and daytime prayers are typically less well attended than sunset and evening prayers and are within the typical unrestricted hours of use of the existing public house.

The times when the Masjid will be used for prayer varies with the seasons. However, as a guide, the following prayer times are provided for the summer and winter:

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.

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. Pastoral care will be provided on a 1-to-1 basis usually after prayer on an informal or appointment basis.

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.

As per the existing use as public house there is no dedicated off-street parking provision and refuse will continue to be stored in the front yard and collected from the highway.

Planning Policy

The National Planning Policy Framework

The primary objective of the NPPF is to allow development that is sustainable to proceed, without delay. A presumption in favour of sustainable development is the basis for every plan and every decision. The NPPF sets out clearly what could make a proposed plan or development unsustainable. The NPPF is a material consideration in planning decisions. One of the key dimensions to sustainable development is the social role of the planning system which is directed to:

‘support strong, vibrant and healthy communities, by ... fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being’

Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development. This means approving development that accords with an up-to date development plan without delay.

At paragraph 39 NPPF stipulates that Local planning authorities should approach decisions on proposed development in a positive and creative way working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

Promoting healthy and safe communities is a key tenet of the NPPF. Paragraph 98 supports the provision of cultural facilities and services that the community needs and planning authorities are directed to make positive provision for such facilities in the local as follows –

- 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. [our emphasis]***

Of course, making effective use of urban land is a fundamental principle of the planning system. The development of underutilised land and buildings is supported by the NPPF where this meets the needs of the communities where land supply is constrained. Specifically, paragraph 128 states that –

Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- b) **make more effective use of sites that provide community services** such as schools and hospitals, **provided this maintains or improves the quality of service provision and access to open space.***

The application proposal is in broad compliance with the NPPF and is a sustainable development which will secure the long term social and cultural needs of the place of worship in the community and reduce the need for travel elsewhere.

The Adopted Local Plan

For the purposes of this development the Gravesham Local Plan comprises Gravesham Local Plan Core Strategy and the Local Plan Policies Map (2014) and the Gravesham Local Plan First Review (1994) – Saved Policies.

The application site is an unallocated site in the adopted local plan in an urban residential area on the edge of the town centre.

Policy CS01 of the Core Strategy supports sustainable development and reiterates paragraph 11 of the NPPF. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted

Policy CS02 prioritises the reuse and redevelopment of urban land for retail, cultural and leisure facilities.

The first reason for refusal of the original application quotes policy CS05. However, CS05 deals specifically with the Town Centre Opportunity Area (TCOA). The application site is outwith the TCOA and there is no planning justification why a policy that does not apply to the application site should have been used to justify a reason for refusal.

Policy CS07 was also quoted in the first reason for refusal of the original application. However, once again policy CS07 does not at all apply to the proposed development. CS07 refers to Economy, Employment and Skills. It deals specifically with office (former B1 use class) uses.

The Courts have found with regard to the interpretation of planning policy that the words of the policy should be understood as they are stated and in context. Policies CS05 and CS07 are clearly not applicable to the proposal, and, in turn, the proposal cannot be in conflict with those policies.

CS07 refers to the creation and the loss of B1 office uses. See for example 5.1.29 –

- a major **new B1/office employment** centre as part of a wider mixed use sustainable development of Ebbsfleet;
- **office, industrial and warehousing facilities** on Key Sites in the Swanscombe Peninsula and Northfleet Embankment Opportunity Area;
- **office development in Gravesend Town Centre as well as retail, culture and leisure (see Policy CS05);**
- **office, industrial and warehousing development on Key Sites** in the Gravesend Riverside East and North East Gravesend Opportunity Area; and
- **office and light industrial development** in the form of an enterprise centre/incubation space on greenfield land South of Coldharbour Road, Northfleet.

Paragraphs 5.1.30, 5.1.31, 5.1.32, 5.1.33 refer directly to office development. And paragraph 5.1.34 of CS07 protects against the '*loss of B Class floorspace*'. There is and was no planning justification for refusal on the grounds of policy CS07.

Policy CS09 however directly supports the proposed use of the premises as a place of worship. CS09 states that the Council will maximise opportunities for expansion in culture and tourism activity derived from its rich and diverse heritage and its diversity as a multi-cultural community. Proposals that are designed to meet the diverse needs of Gravesham as a multicultural community are expressly supported.

Policy CS10 deals with Physical and Social Infrastructure. Supporting paragraph 5.4.1 explains that it is important that sufficient infrastructure is provided to meet the needs of existing and new residents. It explains that such facilities are important in providing for the '*welfare, social, educational and **spiritual needs of the community***'. Facilities such as places of worship which fall squarely in the meaning of the term 'social Infrastructure' *add vibrancy to communities, provide a focus for activities, foster community spirit and contribute to the quality of life for many residents. They can also provide an essential service to communities*'.

Policy CS10 states –

5.4.11 Support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

Policy CS10 supports the principle of the provision of a new place of worship as additional social infrastructure in Gravesend.

Policy CS11 deals with Transport. It promotes sustainable transport and requires the submission of travel plans and a transport statement to support development.

Policy CS19 is concerned with Development and Design Principles. It sets out design principles to safeguard the amenity of neighbouring occupiers and create a secure, safe and sustainable environment. The subject proposal however does not propose any physical external alterations that constitute development as defined by the S.55 of the T&C Planning Act 1990 such that there are no design issues to consider in the development control decision making process.

Planning Assessment

The Principle of the Use

The principle of the use is acceptable in policy terms. The NPPF is a material planning consideration. Paragraph 11 of the NPPF establishes the principle of sustainable development. The social health of a community is a key dimension of sustainable development. Paragraphs 39 and 98 of the NPPF direct local authorities to work proactively to deliver improved social, and cultural and environmental development that the community needs. Local authorities must take a positive approach as directed by paragraph 128 of the NPPF to applications for alternative uses of land to ensure sustainable development and the effective re use of land.

The subject proposal complies with adopted development plan policies CS01 and CS02. The subject proposal also complies with policies CS09, CS10, CS11 and CS19 of the adopted core strategy.

Previous reasons for refusal focused on non-compliance with policy CS05 and CS07 of the local plan. However, those policies clearly do not apply in both cases with the subject property being outwith the TCOA and the premises being a public house rather than a B1 use as per the policy requirement and there cannot in any logical interpretation of planning policy be in conflict with those policies.

What is a Mosque

Mosques serve as important community facilities for Muslims. They are used for religious purposes such as congregational prayer but also provide other opportunities and a space from which interaction can be had with the community in relation to mental health and wellbeing, education, charity, interfaith dialogue, and outreach. They provide a space for quiet introspection in a religious setting.

The primary function of a mosque is to provide a space for congregational prayers. These take place 5 times daily, 7 days a week. Timings alternate depending on the solar cycle, with dawn prayer taking place between 1am and 7am, and night prayer taking place between 6pm and 11pm. On festivals such as Ramadan and Eid, an additional prayer is offered which is normally well attended. The congregation participates in prayer in silence with only the imams voice being audible. Mosques are essentially walk-to uses.

Worshippers vary in age from anything between 4 to 90. They stand in rows behind an Imam who conducts the prayer. The congregation is orientated in the direction of Mecca. Ablution facilities are provided for ritual washing prior to prayers.

Composition of Muslims in Gravesend

Muslims first settled in the Gravesend and Dartford area in the early 1960s. Initially Muslims in Gravesend prayed in each other's houses. The Gravesend and Dartford Muslim Association was established in 1970 with the aim of establishing a dedicated place of worship. Eventually, in 1992, the opportunity arose to purchase an old Public House (The Albion Arms), and this building was converted to the Gravesend Central Mosque. The Muslim community has grown, and its members span across all employment sectors, belonging to different professions, and offering invaluable skills in the locality.

Today Gravesham is home to 3326 Muslims or 3.1% of the overall population (Census 2021). However, there are only 2 mosques in Gravesham, being the Central Mosque and Shah Jalal

Mosque which is a 36-minute walk from the application site. Both existing mosques are operating beyond capacity. Proximity to a Mosque has always been a key consideration for Muslim families. Gravesend is a typical example of this where 7.4% of the of the 8200 population in the Town Ward is Muslim (Census 2021). However, there is only one mosque in the locality with a capacity of 300. As such, there is a significant under provision of Muslim prayer facilities in Gravesham overall. Given the importance of congregational prayer in the daily life of a Muslim, the shortfall in space leads to overcrowding, traffic, and other logistical problems. Policy CS09 of the adopted Core Strategy is engaged. There is a justified locational and functional requirement to provide a place of worship that meets the needs of the local Muslim community who currently suffer an under provision of worship and religious instruction space in the Borough.

The loss of the Public House Use.

The existing lawful use of the premises is a significant material consideration. The public house attracted unrestricted large numbers of people for live music events and live sports on a regular basis and this is a fall-back position. The use of the premises as 'as a building of social infrastructure' is not being lost. Rather it is being replaced by another building of social infrastructure that serves the local community. There is no requirement in the adopted local plan to provide marketing evidence to justify the loss of the public house use. Policy CS07 does not apply as it expressly refers to the loss of Class B uses. Nevertheless, a letter outlining how the site was marketed together with a copy of the marketing particulars is supplied. The evidence confirms that –

- The property was marketed with commercial agents Sealey's from approximately July 2020
- There was no viable interest in that time for use as a public house
- The property was marketed by Havenwood Capital from December 2022 for alternative uses
- There was no interest in the building in 2022
- In 2023 the valuation of the property was reduced by £50,000.
- Between March 2023 and July 2023 there were some viewings, but no serious offers received.
- In September 2023 the applicant viewed the property and subsequently made offer substantially below the reduced asking price and the sale was completed in January 2024.

As such, there was no viable interest in the property for public house use or any other use over a period of three years and 2 months. Three years and ongoing marketing demands a flexible approach to securing alternative use of the site in line with the requirement of paragraphs 39, 98 and 128 of the NPPF.

Furthermore, the loss of the Peacock Public House does not result in any under provision of Public House or licensed premises use in the locality. See for example the walking distances from the application site to nearby pubs and licensed premises.

- Forrester's Arms – 0.1 mile 3-minute walk from application site
- Waterloo Tavern – 0.1 mile 2-minute walk
- Jolly Draymond – 0.1 mile 3-minute walk
- TJ's – 0.2 mile 4-minute walk
- Grapes – 0.2 miles 5-minute walk
- Invicta Bar – 0.3 miles 6-minute walk
- Compass Ale House 0.3 mile 6-minute walk
- Prince Albert – 0.3 mile 7-minute walk
- Three Pillars – 0.3 mile 7-minute walk

As such, Policies CS09 and CS10 are engaged and the subject proposal results in the provision of much needed social infrastructure in the form of a place of worship for the local Muslim community in a building that is unused and no longer viable as a public house use.

Highways

Paragraph 116 of the NPPF states –

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

A detailed transport statement and travel plan is supplied. Previously there was no highways objection to refused application 20240201. Comments from GBC Highways were provided on 13th May 2024 which stated:-

"I have no objection ; It is a edge of centre site and unlike most similar applications within distance of a large public car park. However, the applicant should consider requesting a disabled parking spaces within the existing on-street designated car parking areas, so those with a mobility impairment are able to access the facility. There is no guarantee if these can be provided so should not be a condition, but all works associated with their introduction would have to be funded by the applicant. It should also be noted that any disabled space cannot be reserved for any single person or organisation."

In addition to this, the response from Kent County Council (KCC) Highways was that the application does not warrant involvement from the Highway Authority in accordance with the protocol arrangements. The subject property is a long-established use as a public house and is therefore a significant trip generating use. a well-established existing residential area and in close proximity to both neighbouring residential areas and Gravesend Town Centre. This therefore represents a significant catchment of people who could walk to and from the site. The site is well located to access public transport provision including Gravesend Railway Station, therefore offering the opportunity for combined journeys by walking and public transport.

The majority of on-street parking in the area is subject to parking restrictions of a maximum stay of 2 hours between the hours of 7am – 7pm Monday to Saturday, with no return permitted within 1 hour. This 2-hour timeframe is sufficient to cover the daily prayer periods for worshippers.

Parking is also provided nearby at the Parrock Street Public Car Park, which has a capacity of 570 spaces including 30 disabled bays and 24 EV charging spaces. Parking is charged at £2.00 for 1 hour and £3.00 for 2 hours on weekdays (between 8:00am and 6:00pm), with 2 hours free parking available on Saturdays and all day on Sunday. This car park is located some 200 metres walking distance from the site and represents a practical and appropriate parking alternative to visitors, which will be promoted by the management of the Masjid.

Previously it was suggested that a disabled parking space be provided by the applicant. However, it is noted that the existing use as a public house had operated for decades without the provision of any disabled parking spaces and the existing use as a public house could continue to operate in this manner. Furthermore, the applicant does not control any land outside of the premises itself and therefore would not be able to ensure that any disabled spaces would be protected for use by those visiting the premises. It is considered that proposed change of use to the Masjid and Madrasa and their capacities would result in an impact that is no greater than that of its previous use as a Public House. Refuse will continue to be collected as existing from the front of the premises. There is a significant Muslim community in the Town Ward within the acceptable 1000 metres walking distance of the application site. Islamic tradition rewards and promotes walking to the mosque (as opposed to riding and there are many spiritual traditions within the faith that favour and support walking to the mosque. Indeed, these traditions will not be lost on the devout and the applicant is committed to its Islamic and civil duty to minimise any disruption in the area and has supplied a Travel Plan with the following objectives –

- To reduce the impact of the site on local congestion and localised parking issues (should they arise);

- To reduce the environmental impact of site-related travel, and promote the Mosques commitment to environmental values;
- To reduce the need for unnecessary car travel through the promotion of suitable and reliable alternatives to the private car; and
- To raise awareness amongst attendees of the detrimental impacts of car use in order to encourage the use of alternatives.

On the basis of all of the evidence presented the subject proposal is in full compliance with paragraph 116 of the NPPF and policy CS11 of the adopted local plan.

Amenity

Places of worship are not generally uses that are noisy or impact on the amenity of local residents. Certainly, they have less impact on amenity than public house uses which present a particular set of issues to local residents and the police and emergency services. This is a significant material consideration. The subject property as a public house hosted large and noisy gatherings lubricated by alcohol consumption on a regular basis. This included the watching of live sport, singing and dancing and live music with elevated level of amplified sound. The proposed use therefore as a place of worship by its nature has a significantly reduced impact on amenity from the current baseline position. A use where prayer is led by a single person which is on the whole silent must be contrasted favourably against the existing use which is not subject to any noise restrictions.

Nevertheless, the applicant has provided a detailed noise impact assessment. Detailed noise surveys to establish the existing background levels were undertaken over a 48-hour period beginning on 29th January 2025 and assessed against a worst-case scenario of for noise levels in a comparative mosque premises in Hornsea, London. Masjid and Madrasa noise is characterised by fairly low average noise levels, consistent with those generated through normal domestic activity. Noise from coming and going is predicted to also be low based on the site context. Noise breakout through the building elevations is also predicted to be low, and no specific acoustic enhancements to the building façade or glazing is necessary. The existing ceiling in the ground floor public house is in a very poor state of repair, with large holes and big chunks of plaster falling off. As such, and in order to comply with the overly severe planning conditions of the previously approved HMO use above it has been recommended to enhance the sound insulation performance of the separating floor between the ground floor and the flat above. It is recommended that the existing ceiling is removed and replaced, and the separating construction between the Masjid and the flat above is enhanced to achieve sound insulation performance of at least 53 dB DnT,w + Ctr.

Policy CS19 of the adopted development plan is therefore met.

On the evidence of all of the information presented the application to change the use of the former Peacock Public House to a place of worship and religious instruction is in full compliance with the NPPF and the adopted development plan. The proposed use will have no greater impact on residential amenity and the local highway network than the existing use of the premises. There is no loss of social infrastructure in principle and the establishment of the proposed use as a place of worship as a development of social infrastructure is strongly supported by the local plan and national planning policy requirements. We therefore commend this application for approval.

If you any questions relating to this proposal, please do not hesitate to contact these offices in the first instance.

Yours sincerely,

HARIS KASUJI BA MA MRTPI