
SUMMARY REPORT

Application Ref:	20140550
Site Address:	Former Guru Nanak Darbar Gurdwara, Clarence Place, Gravesend, Kent, DA12 1LD.
Application Description:	Demolition of existing building and erection of a four/five storey building to accommodate 16 two bedroom and 3 one bedroom self-contained flats with 19 parking spaces, cycle storage provision and bin stores at basement level.
Applicant:	Guru Nanak Darbar Gurdwara
Agent:	BHD Architects LLP
Ward:	Central
Parish:	Non-Parish Area
Decision due date:	4 September 2014
Publicity expiry date:	21 January 2019
Decision level:	Planning Regulatory Board – 6 February 2019
Reasons for referral:	The discretion of Planning Manager (Development Management) taking into account the scale of member and local interest in the site
Recommendation:	Delegated to the Service Manager, Development Management for PERMISSION subject to planning conditions/informatives, including pre-commencement conditions to be agreed with the applicant, and completion of an s.106 Agreement, with Heads of Terms as set out in the main report within 6 months of the date of the Regulatory Board resolution.

Summary of Reasons for Supplementary Report

This supplementary report sets out additional neighbour representations that have been received since the preparation of Agenda item 5a to the Board and includes additional information received from the agent.

Due to the complex nature of the application Members should see section 4 and 5 of this report for the reasons for the recommendation.

1. Additional Representations

1.1 Agenda item 5a includes all neighbour representations received prior to 15 January 2019 and this report considers the 93 additional neighbour representations which have been received which up until 4 February 2019. As of 4 February 2019 a total of 180 representations have been received.

1.2 With the additional 93 representations all are objections apart from 2 which are in support of the application. Many of the issues raised are the same as listed in 5.1 to 5.8 of agenda item 5a, however the following additional objections are raised:

Objections

- The existing building represents one of the few large 19th century buildings that hasn't been converted or demolished to make way for flats;
- the Temple could make an amazing community space for all manner of artistic and educational needs, or be sympathetically converted into several large, high quality apartments;
- plans to refurbish the existing building have not been explored further;
- If the replacement scheme is to go ahead the replacement scheme should be revisited;
- would have supported the building of purpose built flats that followed the proportions of genuine Georgian properties as that might give the benefits of purpose build plus Georgian spaces. Perhaps only three stories high and containing only 12 or so flats of proper proportions;
- an objector summited an offer to purchase this site and turn the building into offices and have a museum for the Tony Larking collection;
- there are pockets of land for sale in the town centre which would be far better suited for such a proposal;
- there are many homeless people in Gravesend and the surrounding area that have made the old Gravesend hospital their home so why not turn it into a hostel of some kind;
- concern on the amount of time the application has been with the Council;
- inappropriate density for the development;
- existing building could be used as a NHS doctors surgery;
- the building could be used as a play area for children, also this can replace the very old play area on top of windmill hill which is still there from 25 years ago;
- no independent evidence has been submitted to demonstrate to the Council that partial demolition was impossible;
- The building being neglected does not justify its demolition;
- concerned about the impact on pedestrian safety on the short stretch of Parrock Road between Clarence Place and Wellington Street;
- adverse impact on local services such as doctors surgery's;
- alternative use for the existing building being student application the "cellar spaces" be refurbished and developed to create Sound and Video Production and post production studio facilities*. The first floor /upper galleries be refurbished and developed into a suite of study bedrooms (to act as "Halls of Residence" for undergraduate Media production students . . the congregational/worship space be refurbished & developed to create a performance venue and exhibition preparation space and art gallery;
- the proposed development may have an impact on the tree route protection area of adjacent properties;
- The impact of parking alone on the community is going to create huge stress for the residents, even with the proposed parking bays in the development, there are not enough for dual occupancy flats who have two cars.

- total loss of non-designated heritage asset ;
- demolition by neglect;
- high quality housing would be more appropriate for the site;
- harmful to setting of Windmill Hill Gardens; and

1.3 In addition a letter of objection has been received from Windmill Hill Association which is summarised below:

- Objects to the proposal;
- there is overwhelming objection to this proposal from locals;
- applicant has not demonstrated redundancy;
- there have been interested parties in the existing building; and
- if permitted archaeological survey should be undertaken;

1.4 Two letters of support have been received which are summarised below:

- The flats would provide the chance for people to downsize;
- the building has been altered and adds very little to the conservation area;
- external render on the existing building and flat roof extensions are harmful to the character of the area;
- replacement scheme would be attractive and sit well within the street scene.
- building is an eyesore to local people.

1.5 In addition a comment has been received referring back to an objection letter received in July 2014. This objection letter includes some 3D/models sketches on using the building as live/work unit. As outlined in Agenda item 5a the re-use of the building for other uses has been explored and due to there being no on-site parking and being outside of town centre there may be limited scope for other uses that comply with local and national planning policy. In addition no formal pre-app or planning application has been submitted for a live/work unit.

1.6 For example the suggested live/work unit within a residential street with no on-site parking provision would likely conflict with adopted planning policy.

2. Additional information from the agent

2.1 The agent has provided the following additional information relating to the retention of the front façade only

2.2 Drawing No.3208-PD-007 A – Extended Street Scene (attached as appendix 1) and the following comments

Regarding the potential for retaining the façade of the existing building as part of the current proposals to redevelop the site.

As you are aware, we have carefully considered many options for converting and retaining the existing building but none of which are a practical option. There are a number of reasons that we feel would seriously constrain the development of the site and these issues are detailed below. You will also note that, in the comments received from Design South East Surgery in April 2017, the Panel were not keen on the retention of the front façade only.

We list below the following reasons why we feel this is not a practical option:-

1. *The existing windows and doors in the front façade do not provide sufficient daylight for the proposed apartments. This will need to be completely*

reconfigured and, in doing so, this will considerably change the appearance of the façade, particularly on the ground floor.

2. *The internal floor levels are not compatible with the residential apartments and there will be difficulty in linking this with the scheme for the residential use.*
3. *There are significant concerns about the retention of the façade and its structural elements, particularly when the basement level is created for the car parking facilities. As previously mentioned, the existing building has been significantly extended and visually changed over recent years. This has seriously reduced the architectural features and appearance of the building when it has been adapted for various other commercial uses. We do not feel, therefore, that the existing façade retains sufficient architectural detailing to consider its retention. These revisions, of course, took place before the Applicant took possession of the building and is not in any way responsible for the significant changes that have taken place.*

We attach a copy of our drawing, no. 3208-PD-007, Rev. A, which shows a street elevation of Clarence Place, with an overlay of the existing building façade on to our proposed residential scheme. This effectively shows the difficulties in terms of fenestration and floor levels relating to the proposed residential apartment scheme. It is worth reminding members that Historic England viewed the existing building with the potential for Listing the structure, but they felt that there was insufficient architectural merit of the building and, therefore, they refused to give national Listing to the property. They would, of course, also have considered the links with the original Architect, Sir John Sulman.

We strongly feel, therefore, that our proposals for two new traditional villa style properties will reflect the character and appearance of buildings within the close vicinity of the site and of the surrounding area that is contained within this Conservation Area.

3. Planning Manager Comments

- 3.5 The material planning issues raised in the above additional representations have already been considered in Item 5a.
- 3.6 However a fresh planning issue has been raised by an objector regarding the potential impact on existing surrounding trees and in particular the tree in the front garden of 18 Clarence Place. All trees with a diameter greater than 750mm and higher than 1.5m above ground level within a conservation area are protected by section 211 of the Town and Country Planning Act 1990.
- 3.7 In order to ensure that all surrounding trees are protected an adequate condition will be included to provide details of tree protection measures of all surrounding trees.
- 3.8 In summary all the concerns raised are adequately covered in agenda item 5a. It should be noted that a number of objectors suggest alternative uses for the building which would likely generate additional traffic generation/ parking demand. A significant amount of objections are on the grounds that the proposed redevelopment would create additional traffic issues. What this highlights is that the parking is a highly sensitive issue within the area and the objectors

themselves are somewhat divided on the issue and the future uses of the site. The proposal before Members has sufficient parking provision and any re-use of the building would have no on-site parking provision.

- 3.5 In order to ensure that Members fully appreciate the concerns from objectors attached to this supplementary report is a report commissioned on behalf of Sulman 150LTD (Appendix 2) which in provides a heritage assessment of the proposal and why they feel the scheme is unacceptable.
- 3.6 With regard to this report the contents of the report have been fully considered during the course of the application and it is felt that no further issues need to be revisited.

4. Final Balancing Exercise

- 4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 Section 4 of this report lists the development plan and other material considerations.

Housing development

- 4.3 The Core Strategy explains that in order to meet both current and future economic, social and environmental needs, further development is required within the Borough and that the distribution of development set out in the Core Strategy seeks to make the most efficient use of previously developed land, focus development in the most sustainable locations, and preserve the openness and maintain the national and local planning purposes of the Green Belt, protecting it from inappropriate development. Previously developed land is defined as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land” and therefore this site is considered previously developed land. Whilst the site is outside of the town centre boundary, it is considered a highly sustainable location and because of its proximity to the town centre, it currently has a controlled parking zone (CPZ) designation. This approach to focusing development on sustainable locations is in line with the NPPF which advises that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 4.4 In addition, it should be noted that, from 25 April to 11 July 2018, the Council consulted on:
- Part 1 Site Allocations: Issues and Options - Regulation 18 Consultation
 - Part 2: Development Management Policies Document - Regulation 18 Consultation
- 4.5 As explained in the consultation material, in the Part 1 Site Allocations: Issues and Options consultation, the Council was looking at options for how and where future growth, to deliver approximately 2,000 additional units, could be accommodated.

Six options were put forward:

- Option 1: Settlement intensification
- Option 2: Urban expansion

- Option 3: Expansion of 2nd tier settlements
- Option 4: Expansion of 2nd, 3rd, and 4th tier settlements
- Option 5: The creation of a single new settlement through the merger of existing settlements
- Option 6: Creation of a freestanding new settlement

4.6 As explained above whilst the Council, in its latest published Authority Monitoring Report, can show a five year land supply, it has under-delivered against its housing requirement in policy CS02. With the prospect of an increased requirement, the Council is giving significant weight to the delivering of dwellings in sustainable locations such as this.

4.7 In respect to policy CS14 Housing Type and Size, the delivery of 16 two bedroom and 3 one bedroom self-contained flats is a very positive proposal especially as all the units of accommodation meet the technical housing standards. Policy CS15 Housing Density advises:

5.11.5 Sites will be developed at a variety of densities, depending on their location and accessibility to public transport.

5.11.6 All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration:

- *Within the urban area, new residential development will be expected to achieve a minimum density of 40 dwellings per hectare. In suitable locations close to the transport hubs of Gravesend Town Centre and Ebbsfleet, higher densities will be sought;*

4.8 As highlighted above, this is a highly accessible location within easy walking of Gravesend Station with a built form in keeping with the character of the area, albeit conditions are needed to ensure that the detailing is of the quality needed for a building in this setting.

4.9 The borough has a significant need for affordable housing and policy CS16 Affordable Housing requires developments of 15 dwellings or more in the urban area to provide 30% affordable housing. For a development of 19 units, this equates to 5.7 units or 6 units when rounded up. The applicant has submitted a viability assessment which has been independently reviewed by the Council's appointed surveyors and they have concluded that in this instance, the application would be unviable with affordable housing provision. Paragraph 5.12.12 notes that development will be subject to site viability considerations and so, even though affordable housing is not being provided, this is not uncompliant with CS16.

4.10 The NPPF is explicit about the Government's objective of significantly boosting the supply of homes (paragraph 59), the need to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans (paragraph 121) and to ensure that developments make optimal use of the potential of each site (paragraph 123). Therefore, in compliance with Policies CS02, CS14 and CS15 of the Gravesham Local Plan Core Strategy and the NPPF, great weight is given to the proposal for 19 new dwellings.

- 4.11 The design of the proposed development has been considered above in respect to its context, the living environment for future occupiers, the effect on neighbouring properties living conditions and it is considered that, with suitable conditions in place, the proposal is compliant with Policy CS19.

Non-designated heritage assets

- 4.12 The Local Plan Core Strategy recognises that “our heritage is a valuable but fragile asset, so easily destroyed but so important in how we define or make sense of the world within which we live” and therefore Policy CS20 Heritage and the Historic Environment accords a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource. Paragraph 5.16.12 advises that “For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset”. The former Gurdwara is a non-designated asset and it is proposed that the building is demolished and therefore lost in its entirety. The building was not listed for a number of reasons and therefore the significance of the building is considered to be modest. The building itself has had a number of unsympathetic alterations and not being used for approximately 9 years has impacted on its internal and external appearance. It has no utilities connected to the building and has suffered numerous break-ins (for example in 2016 a number of youngsters entered the building and filmed themselves smashing parts of the building up, thus endangering themselves and the building as whole. Secondly in late 2018 a further break-in occurred where the owner has to again secure the building further). Therefore in respect to CS20, the proposed total loss of the building, which is considered to be of modest significance, weighs against the proposal and is considered to be in conflict with this particular policy.
- 4.13 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.14 Paragraph 197 of the 2018 NPPF accords with CS20 in respect to non-designated assets with the same conclusion i.e. the total loss of this building of modest significance gives a negative weight to the proposal.

Designated heritage assets

- 4.15 The first part of policy CS20 is the consideration of a proposed development on a designated heritage asset, advising that the weight that will be given to the asset’s conservation will be commensurate with its importance and significance. The building is highlighted as a positive building and a landmark building in the Conservation Area as set out in the appraisal and management plan but, as highlighted in this report, it is agreed that the harm caused to the conservation area by the loss of the former Gurdwara is less than substantial. In respect to the listed war memorial a designated heritage asset, the harm again is considered to be less than substantial.
- 4.16 It should be noted that CS20 was judged compliant with the 2012 NPPF. The 2018 NPPF has been informed by a number of High Court decisions and this has altered the test with paragraph 193 advising that when considering the impact of a proposed development on the significance of a designated heritage

asset (in this case the Conservation Area and the war memorial as the former Gurdwara is not itself designated), great weight should be given to the asset's conservation irrespective of the scale of harm. As such, it is considered that there is conflict with this particular policy of the local plan.

- 4.17 Equally paragraph 194 of the NPPF is explicit that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. As great weight is given to a designated asset's conservation irrespective of the level of harm proposed, the building's demolition weighs heavily against the proposal.
- 4.18 For clarity, as explained above in the marketing section, the Core Strategy's guidance on marketing requirements is only in respect to CS07 i.e. existing B class employment premises, sites or commercial wharves. Equally the guidance in paragraph 195 of the 2018 NPPF is not applicable because the proposed development will not lead to substantial harm to (or total loss of significance of) a designated heritage. The former Gurdwara is not designated and the harm to the Conservation Area and listed War Memorial is less than substantial. Nonetheless, a marketing exercise is still necessary in this case in order to provide a clear and convincing justification for the purposes of section 194 NPPF for any harm to the significance of a designated heritage asset.
- 4.19 The Council is also mindful of the *Dorothy Bohm v SSCLG* [2017] EWHC 3217 judgment which clarifies that just because something is a 'positive contributor', so long as it is not designated in itself, a Local Planning Authority should not automatically conclude that it cannot be demolished/redeveloped until it has assessed it in comparison with the potential enhancements of a proposed development. This is important because it implies that the demolition of a non-designated heritage asset in a Conservation Area cannot be treated as harm to a designated heritage asset in isolation, but rather the scheme as a whole needs to be considered, with the demolition being just one factor in this.
- 4.20 The key policy test, for the purposes of paragraph 194 of the NPPF, to be considered is whether the clear benefits of the scheme as set out above give a clear and convincing justification for the proposal. The former Gurdwara building is identified as a positive building within the Windmill Hill conservation area and both the conservation area appraisal and management plan seek the re-use of this building. However, the existing building has been vacant with increased degradation for around 9 years and has been marketed for a total period of 12 months. The result of this marketing has demonstrated that no medium term viable use of the building has been demonstrated and only two provisional offers were received. No alternative deliverable scheme retaining the existing building is on the table for the Council to consider rather we have a list of theoretical uses which have also been proposed for other locations i.e. museum, art gallery and are already present in more sustainable locations in the town centre. This is important because of the known tensions that previously existed with the property in respect to noise complaints and parking concerns. Furthermore the site is outside of the town centre boundary and so any town centre uses proposed here would require a sequential test.
- 4.21 At the same time, the Council has a residential proposal in front of it today that makes effective use of this previously developed site in a highly sustainable location that will be attractive to the market as proven by the flatted development at 16 Clarence Place. The proposed development delivers a mix of units in

demand in the Borough with space standards that comply with policy. In line with paragraph 198 of the NPPF, the Council will ensure that the demolition of the building can only occur when there are contractual arrangements in place to ensure that the development is forthcoming as explained in paragraph 7.7 of this report. The Council considers that these factors in combination provide the clear and convincing justification needed to comply with paragraph 194 of the NPPF.

5. Conclusion

- 5.1 The scheme is controversial and has generated significant concern from neighbouring properties. The significant volume of third party representations received are twofold – firstly it is not accepted that the building cannot remain in a beneficial, but undefined, use and secondly the replacement scheme itself has generated concerns.
- 5.2 The Council is mindful that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear justification and following *Dorothy Bohm v SSCLG* [2017], this means that the scheme as a whole needs to be considered with the demolition being only one factor.
- 5.3 As explained in the title page, the proposal hasn't formally been called in by a ward member and rather it is being brought to Regulatory Board at the discretion of Planning Manager (Development Management) taking into account the scale of member and local interest in the site. Also, as highlighted by the policy balance above, great negative weight is being afforded to the building's demolition because this does impact on the Conservation Area. However greater positive weight is given to the proposal in respect to redevelopment for housing which complies with policies CS02, CS14, CS15 and CS16 and the expectation in the NPPF that previously developed land in sustainable locations are positively brought forward for housing that makes optimal use of the site.
- 5.4 This report has considered the entire scheme as a whole and in summary it is considered that there are no material overriding issues and concerns that have not been considered and addressed including responses received from consultees and third party representations. Whilst there is some conflict with local plan policy CS20, the proposal accords with policies CS01, CS02, CS10, CS11, CS12, CS14, CS15 and CS19. On balance it is considered that the proposal is in accordance with the development plan as a whole and that there are no material considerations which indicate otherwise. In particular, the Council also has concluded that the clear and convincing justification has been given which is required by the NPPF. It is therefore recommended that the proposal can be supported.

Recommendation

Delegated to the Service Manager, Development Management for PERMISSION subject to planning conditions/informatives, including pre-commencement conditions to be agreed with the applicant, and completion of an s.106 Agreement, with Heads of Terms as set out in the main report within 6 months of

the date of the Regulatory Board resolution.