



Delegated Report

Planning Application

Planning Application No: 20240871

Location: The Page, 1 Parrock Street, Gravesend DA12 1EW

Description: Remove of existing retracting roof and replace with a sound insulated roof. Removal of existing steel post supporting roof and replace with acoustic block wall

Applicant: Mr Larry Allison

Site Visit Date: 16 October 2024

Submitted Documents/Plans

Application form
Heritage Statement
Site Location Plan
Noise Management Plan
Noise Impact Assessment
Drawing no. LA/P24/0020 (OS Plan and Block Plan)
Drawing no. LS/P24/002 (Ground floor layout as existing)
Drawing no. LA/P24/003 (front and rear elevation)
Drawing no. LA/P24/004 (side elevation as existing)
Drawing no. LA/P24/005 (rear roof plan as existing)
Drawing no. LA/P24/006 (proposed ground floor layout)
Drawing no. LA/P24/012 (proposed rear elevation and proposed rear section)
Drawing no. LA/P24/013 (proposed acoustic roof to rear)
Drawing no. LA/P24/014 (existing rear elevation and proposed rear section)
Drawing no. LA/P24/011 (proposed side elevations 1 & 2)

Relevant Planning History

20210321	Application to erect a retractable roof over the existing beer garden and the erection of a side extension to provide a kitchen in order to allow food to be served ancillary to the main use.	Permitted	21.07.2021
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Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre
- CS08 – Primary Shopping Area
- CS18 – Climate Change
- CS19 - Design & Development Principles

- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 7 – Ensuring the vitality of town centres
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Design for Gravesham: Design Code (2024);
- SPG 4 - KCC Parking Standards (2006);
- King Street Conservation Area Appraisal (2009)

Consultations, Publicity and Representations

Consultees

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>).

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

GBC Environmental Protection

The premises has been subject of justified noise complaints that led to enforcement action by this service. Whilst we welcome the installation of an acoustic roof and acoustic walls to the rear enclosed garden area, we have concerns that no information as to the nature of the acoustic roof/walls and their sound mitigation qualities has been provided with the application.

Noise

The Premises provides live and recorded music for its patrons, at dB levels on par with a night club. This, along with customer noise, has resulted in a confirmed noise disturbance to local residents on Manor Road, and subsequent enforcement action by the Environmental Protection Team.

The current retractable roof was installed and claimed to be an acoustic roof by the then applicant yet has proven to be completely inadequate in mitigating the noise levels generated at the premises. We would wish, as I am sure the current applicant would, to avoid a repeat of this. **As such it is requested that a noise impact assessment (NIA) is undertaken for the proposal and submitted for review prior to the determination of the application.**

The NIA must include on site noise measurements of both background noise levels at the nearest noise sensitive premises and noise from the existing use of the external area (both amplified music and customer noise) during appropriate times. The measurements must include octave band/frequency analysis due to concerns with the low/bass tones of the music. The replacement of sound insulated roof and acoustic perimeter walls must be designed so that noise from the external area is 5dB below existing background noise levels at the nearest noise sensitive premises. The insulation/sound proofing use must be effective against the breakout of frequencies in the 31.5Hz to 250Hz octave bands (bass frequencies). All details of the acoustic insulation materials need to be provided, including their noise mitigation qualities.

The noise assessment should be carried out with reference to the planning guidance on noise, the WHO's Guidelines for Community Noise 1999 and BS8233:2014 (the latter 2 providing guidance on acceptable internal noise levels in residential premises).

The report should include a psychoacoustic assessment of the noise. This is the assessment of the psychological perception of a noise and its impact.

Any mitigation measures contained in the assessment can then be required to be put in place prior to permission being granted. It is likely that we will also require completion testing and reporting once the scheme has been installed. This can be addressed by way of a suitably worded condition.

In addition to (or as part of) the noise impact assessment/mitigation measures, a Management Plan should also be drawn up and submitted **prior to the determination of the application**. This should refer to matters to reduce and deal with noise nuisance.

Code of Construction/Demolition

Due to the history of noise nuisance and enforcement action that has had to be taken, we strongly recommend that this be placed as a condition to prevent nuisance from noise, dust or smoke during the

demolition and construction phases.

In response to these comments the applicant submitted a Noise Impact Assessment and the following comments have been received:

The 'Noise Impact Assessment + Acoustic Design Appraisal' by JG Acoustics dated 19/12/2024 (Report Ref: PAG-004A V001) has been reviewed. The report utilises the background noise measurements taken previously and also includes noise measurements taken in the external area over a weekend in December 2024. During this time, customers were using the area, there was music from a small sound system and noise breakout was noted from the main bar area.

Using the proposed design and material specifications (see Appendix B), the robustness of the proposal has been assessed with reference to the nearest dwellings and noise criteria in BS8233:2014. Levels are predicted to be well below background noise levels (more than 5dB below) at the façade of the nearest residential dwellings. With windows open for ventilation at the dwellings, internal noise levels are predicted to comply with the internal noise criteria in BS8233:2014.

The report acknowledges the impact low frequency/bass tones can have and re-iterates the control measures contained in the earlier Noise Management Plan submitted for control of this. In addition, the music system used in the rear area (the application area) is stated to not have sub woofers or low frequency drivers and it has been advised that music will only be at background levels in this area.

The report concludes that based on the measurements taken, assumptions made and calculations carried out, with the upgraded roof and acoustic block wall in place, noise breakout from the area will not be an issue. It should be highlighted that this is reliant on the workmanship of the installation/build and care must be taken to avoid any gaps in the structure, any flanking issues arising from the installation of service etc.

Due to the history of the problems associated with this premises and the late operating hours that the Premises License allows, a post completion assessment will be required in order to ensure that the level of sound insulation proposed has been achieved and no detrimental impact will occur to houses/flats nearby.

The measures contained in the Noise Management Plan must also be fully implemented.
To address this, the following conditions are recommended.

Noise Mitigation

The design criteria and noise mitigation measures as detailed in report 'Noise Impact Assessment + Acoustic Design Appraisal' by JG Acoustics dated 19/12/2024 (Report Ref: PAG-004A V001) (The Report) shall be implemented by competent persons. Prior to operation a post completion noise assessment must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the design criteria and noise mitigation measures against the noise levels and Local Authority requirements as set out in The Report.

If the post completion testing demonstrates that the noise levels and Local Authority requirements as set out in the Report have not been achieved, and noise mitigation is insufficient, then additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Authority and installed and tested prior to operation.

The mitigation measures must be retained thereafter.

Noise Management Plan

The measures contained within the 'Noise Management Plan' by JG Acoustics dated 24/06/2024 (Report Ref: PAG-003A V001) must be implemented in full within 4 weeks of the permission being granted.

The Noise Management Plan shall be maintained and made available to local authority officers on request

Code of Construction/Demolition

Due to the history of noise nuisance and enforcement action that has had to be taken, we strongly recommend that this be placed as a condition to prevent nuisance from noise, dust or smoke during the demolition and construction phases.

GBC Conservation Officer

Looking at the proposal it appears to be concealed from Manor Road by the shop units. The only elevation visible will be onto the rail land. This wall should be constructed in reclaimed yellow stock brick as it is visible when on the rail bridge.

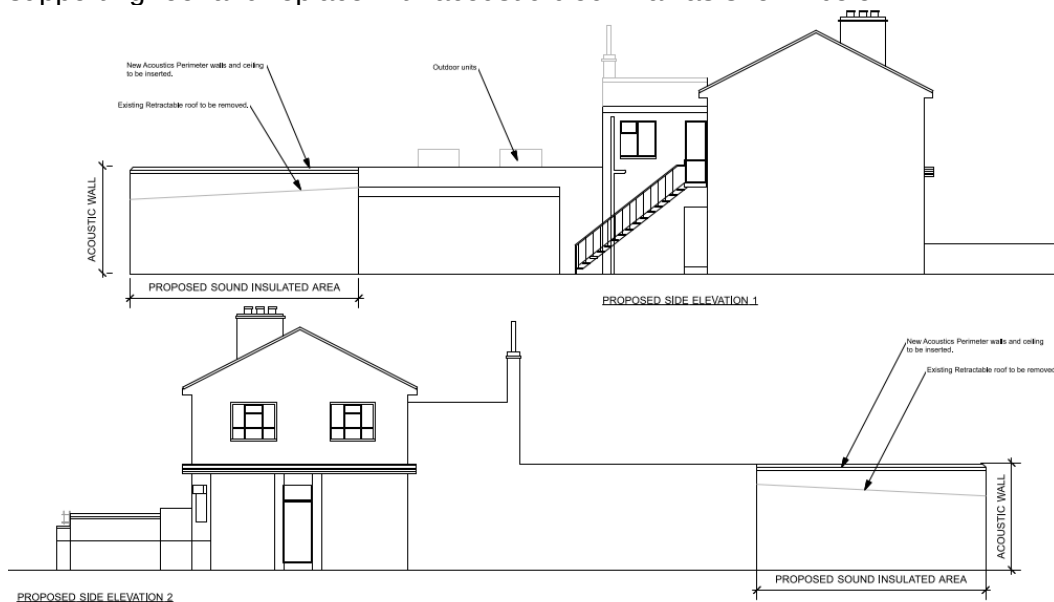
Neighbouring properties

The application has been advertised by site notice, press notice and individual letters to 35 properties. No letters of representation have been received.

Officer's Analysis

Proposal

Removal of existing retracting roof and replace with a sound insulated roof. Removal of existing steel post supporting roof and replace with acoustic block wall as shown below:



Design, Character and Appearance

The application site is a pub/nightclub located within the King Street Conservation Area. It is located to the west of Parrock Street and to the south is the railway line. To the north of Manor Road are two and three storey buildings but to the south, adjacent to the site, are single storey commercial properties. The main building is identified as being built between 1874 and 1907. It is considered as 'neutral building' within the Conservation Area.

The submitted heritage statement says that the property was originally a pair of semi-detached dwellings with the northern unit being a 'beer shop' on the ground floor with residential accommodation over and run by the Stringer family. It is believed that it was known as the Flower Pot public House. In 1911 it became known as the Royal Victoria Shades and the publican was Albert Westlake. During the 1930's it was occupied by the Offin family until the break out of WWII in 1939. Between 1939 and 1950 the publican was F.E Monger.

Little is known for the 3 decades following although it is known that the public house was totally refurbished in 1997 when it was then known as Shades Public House. Further works were undertaken in 2000 in order to provide additional toilet facilities. The premises changed its name to Whispers in or around 2004 when further changes were proposed but the application was withdrawn. At this time, the site became a drinking establishment and nightclub and this use has persisted until today.

The previous application sought permission for an extension and a retractable roof. This roof has been found to not be fit for purpose from a noise perspective, and so now a permanent roof is proposed. Whilst it is a modern addition to the building it will not be readily visible from the Conservation Area. No details of materials have been provided and therefore a condition is recommended that these are submitted at a later date.

The proposed roof is considered to comply with condition TC3 of the Gravesham Local Plan First Review 1994 and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014 and Section 16 of the National Planning Policy Framework 2024 with regard to the impact on the character and appearance of the street scene and surrounding Conservation Area.

Amenity

Neighbouring Amenity

The main reason for the requirement of the permanent roof is due to the noise complaints received. The submitted noise impact assessment appears to address the issues of noise however a completion report will be required in order to ensure all the recommendations are implemented. The noise management plan is acceptable and a condition is recommended to sure this is followed.

Subject to conditions, the proposed development will have no detrimental impact on the surrounding neighbours in terms of loss of amenity and therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2024.

Parking and Highways

The proposed development will not alter the current parking situation and is in a town centre location where there are plenty of car parking. No objection therefore is raised on parking grounds.

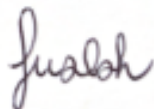
Conclusion

The proposed permanent roof, subject to conditions, will have no significant impact on the surround conservation area, amenities, parking or highway safety and therefore accords with the above mentioned policies and is recommended for approval.

Recommendation:

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

Case Officer:	Mrs Alison Webster	Team Leader:	Mrs Faye Walsh
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Signed:		Signed:	
Dated:	15 January 2025	Dated:	15 January 2025