



Delegated Report

Listed Building Consent Application

Planning Application No: 20230400

Location: 38 Windmill Street Gravesend Kent DA12 1BA

Description: Application for Listed Building Consent for the conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.

Applicant: Muzaffer Celik

Site Visit Date: 11 April 2023

Submitted Documents/Plans

- Application form;
- Drawing no. 001 Rev. A – Block Plan and Location Plan;
- Drawing no. 002 Rev. B – Existing Floor Plans;
- Drawing no. 002 Rev. A – Proposed Floor Plans;
- Drawing no. 003 Rev. A – Existing Elevations;
- Drawing no. 005 Rev. A – Proposed Elevations; and
- Heritage Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20230249	Conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.	Refused	10.05.2023

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

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

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

Other material considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

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 (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Upper Windmill Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

GBC Conservation Officer

The Heritage Statement avoids discussing the proposed internal alterations, which need to be included. There is no information or photographs of the interior, such as doors, and joinery (architraves, skirting, boards), including the stairs, or ceilings and cornices. From the plans, the proposed alterations include internal walls and doors in particular those on the ground floor and first floor as well as loss of chimney breasts throughout the building.

Based on the information submitted, which is lacking in an assessment of the proposed alterations outlined above, the proposals will result to harm to the significance of the listed building and are therefore contrary to local and national policy and cannot be supported.

Neighbouring properties

No surrounding properties consulted as not a required for LBC applications – site and press notices were done. The overall consultation expiry date was 26 May 2023 – no responses were received.

Officer's Analysis

The application site consists of a three storey building plus basement situated on the eastern side of Windmill Street at the junction with Lord Street. The building is Class E (offices) on ground floor with a maisonette at upper ground, first and second floor levels with storage at basement level.

The building is grade II listed and located in the Upper Windmill Street Conservation Area.

Planning permission has already been refused (ref. 20230249) for the proposed conversion of the property

into 2 x 1-bed and 1 x 2-bed residential flats. This was refused for a number of grounds including the following:

The proposal would result in the loss of historic fabric and an alteration to the plan form of the building all of which is very much part of the significance and character of this listed building. Furthermore, insufficient information has been submitted in respect of works that may be required under the Building Regulations and to mitigate poor air quality and noise impacts for occupiers; such works that would be required for those measures have the potential to cause further harm to this listed building and the Conservation Area. On the basis of the submitted information the proposal would cause harm to the architectural and historic interest of this grade II listed building and the character and appearance of the Upper Windmill Street Conservation Area contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

This current application is the accompanying Listed Building Consent application to the development refused in the planning application under ref. 20230249 and the same impact in terms of heritage still stands in the case of this Listed Building Consent application.

The proposal is for Listed Building Consent for the conversion of the property into 2 x 1-bed and 1 x 2-bed residential flats.

The principal consideration in the assessment of this application is:

- Whether the proposal would protect the architectural and historic interest of this grade II listed and preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area.

Whether the proposal would protect the architectural and historic interest of this grade II listed and preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area

The application building is grade II listed and situated in the King Street Conservation Area. The plans show no external works are proposed and it is internal alterations only to enable the flat conversions. Internally it is proposed to remove a number of internal features. From a comparison of the existing and proposed floor plans it can be seen that the following alterations are proposed:

- Removal of a number of internal walls and doors at basement, ground, upper floor and first floor levels;
- Removal of the steps at basement level;
- Removal of all chimney breasts
- New internal walls are proposed at basement, ground, upper ground, first and second floor levels for the 3 proposed flats;
- New staircases at basement and ground floor levels.

A Heritage Statement has been submitted with the application but it is severely lacking in detail and does not contain what a Heritage Statement should do. A Heritage Statement should include a description of the significance of this heritage asset and a description of the contribution of its setting to that significance; provide a schedule of, and justification for the proposed works, provide an assessment of the impact of the proposals on the asset's significance and an assessment of how harm will be minimised and the significance will be preserved and enhanced.

The Heritage Statement which has been submitted with the application does not provide this information but yet states there would be no impact on the listed building or the conservation area. In respect of the actual proposal and the listed building and conservation area impact it states:

5.5 The proposed conversion has been designed in a way that no original fabric of the building has been altered. The building is currently vacant and the proposal will significantly help in enhancing and bringing this Listed Building to use. Also, there have been no changes or alterations made to the external façade of the building. The detail provided clearly shows that the site can accommodate the proposed development without having any detrimental effect on the street scene or the amenity of neighbouring properties. It will be a positive enhancement of the conservation area.

Despite the statement being made in the Heritage Statement that there would be no removal of original fabric and the proposal would enhance the listed building and the conservation area, this is clearly not the case. From the information submitted which shows the proposed removal of a number of walls and doors, steps and all chimney breasts in the building together with the installation of a number of new walls and staircases, this would result in the loss of historic fabric and an alteration of the original plan form of the building which would be extremely harmful to the architectural and historic interest of this listed building.

Furthermore, with such proposals as this and being a flat conversion in a listed building the Council would require the proposed plans to show full details of all of the works that would be required under the Building Regulations for the flat conversion to take place at application stage in order that the full impact of the proposal could be assessed for the impact on the listed building. This detail has not been shown on the proposed plans. Works to the building in order to satisfy, for example, noise and energy requirements under the Building Regulations could cause an impact on the listed building. In the absence of the detail on what works would be required under the Building Regulations it cannot be known for sure that the proposal would not impact on the architectural or historic interest of this grade II listed building or the character or appearance of the Conservation Area.

There is also the case that due to the location of the site in an AQMA a ventilation extraction system would be required and therefore details would be needed of this at application stage to ensure the system would not cause harm to the listed building or the Conservation Area. Noise mitigation would also likely be required given the site's location in the town centre, on the one-way system and with a number of late night establishments in close proximity and details of what noise mitigation measures would be required would be needed at application stage in order to assess the full impact of the proposal on the listed building and conservation area.

In summary the proposal would result in the loss of historic fabric and an alteration to the plan form of the building all of which are part of the significance and character of this listed building. Furthermore insufficient information has been submitted in respect of the works that may be required under the Building Regulations and to mitigate poor air quality and noise impacts; such information would be needed in order to assess the impact of those works on this listed building and the Conservation Area. On the basis of the submitted information therefore the proposal it must be concluded that the proposal would be harmful to the architectural and historic interest of this grade II listed building and the character and appearance of the Upper Windmill Street Conservation Area contrary to Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR) and section 16 of the NPPF (2021).

Conclusion

The proposal is considered unacceptable in respect of the impact on the architectural and historic interest of this grade II listed building in respect of the removal of a historic fabric and alteration of the plan form and the potential impact on this listed building and the Conservation Area in respect of works that may be required under the Building Regulations and air quality and noise mitigation.

The proposal is therefore contrary to Policies CS19 and CS20 (LPCS) and saved Policies TC2 and TC3 (LPFR).

Recommendation: Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	13 June 2023	Dated:	13 June 2023