

Delegated Report

Non-material Amendment and LB Consent Application

Planning Application Nos: 20220893 (NMA) and 20220833 (LB Consent)

Location: 6 Berkley Crescent and 48 Harmer Street, Gravesend, Kent

Description: (20220893) Application for non-material amendment to planning permission reference number 20210334 to allow a change of internal floor layout to the flats with no external change to windows. Installation of a roof mounted AOV to the rear roof slope of the main roof.

(20220833) Application for Listed Building Consent for alterations to listed building consent 20210335 relating to a change of internal floor layout to the flats including the installation of a conservation style AOV in the rear roof slope above the staircase to the flats.

Applicant: Messrs A Rhana and Asghar

Site Visit Date: Desktop assessment

Submitted Documents/Plans

(20220893)

Application form

Covering letter dated 26 July 2022

Drawing no. 20/297/03 Rev. I (Approved basement and ground floor plans)

Drawing no. 20/297/04 Rev. F (Approved first and second floor plans)

Drawing no. 20/297/03 Rev. O (Proposed basement and ground floor plans)

Drawing no. 20/297/04 Rev. L (Proposed first and second floor plans)

Design and Access Statement

(Additional documents submitted under 20220833)

Application form

Design and Access Statement

Drawing no. 20/297/01 Rev. D (Existing plans and elevations)

Drawing no. 20/297/13 (AOV Roof Light Detail)

(Details submitted relevant to both applications and condition details required under previous planning and listed building applications)

Drawing no. 20/297/06 Rev. A (Skirting Boards)

Drawing no. 20/297/07 (Doors and Door Frames)

Drawing no. 20/297/08 Rev. A (Coving)

Drawing no. 20/297/09 (Secondary Glazing)

Drawing no. 20/297/010 Rev. C (Joinery Details)

Drawing no. 20/297/012 Rev. A (Joinery Detail)

Drawing no. 20/297/14 Rev. C (Coving)

Drawing no. 20/297/15 Rev. C (Skirting)

Monsoon Transformers TVL Range and Monsoon Wall Kits Detail

Insulated Vent Terminal Detail

The following drawings have also been superseded following revisions as a result of Conservation comments:

~~Drawing no. 20/297/03 Revs. L, M, N (Proposed basement and ground floor plans)~~

~~Drawing no. 20/297/04 Revs. H, I J, K (Proposed first and second floor plans)~~

~~Drawing no. 20/297/06 (Skirting Boards)~~

~~Drawing no. 20/297/08 (Coving)~~

~~Drawing no. 20/297/010 Revs. A and B (Joinery Details)~~

~~Drawing no. 20/297/012 (Joinery Detail)~~

~~Drawing no. 20/297/14 Revs. A and B (Coving)~~

~~Drawing no. 20/297/15 Revs. A and B (Skirting)~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220735	Application for approval of conditions 3 and 8 attached to planning permission reference number 20210334 relating to details and/or samples of all external materials (including bricks, tiles, stone, rainwater goods, windows and doors) (3) and details of the refuse arrangements (8)	Pending determination	
20220780	Application for approval of conditions 3, 4, 5, 8 and 9 attached to planning permission reference number 20210335 relating to joinery details (3), details and/or samples of all external materials (4), samples or detailed specifications of the rainwater goods (5), full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion (8)	Pending determination	
20210334	Change of use of the ground floor from Class E(C)(i), (formerly A2 use) to F1(a) for private tuition, change of use of the first floor from Sui Generis (dance hall) to a two bedroom flat (C3), change of use of the second floor from offices E(c)(iii) to a two bedroom flat (C3) together with associated works to install a replacement staircase between the ground and basement floors, new partition walls to each floor, the installation of secondary glazing, upgrading of sound resistance of the floors, with cycle and bin storage.	Permitted	17.03.2022
20210335	Listed Building Consent for the change of use of the ground floor from Class E(C)(i), (formerly A2 use) to F1(a) for private tuition, change of use of the first floor from Sui Generis (dance hall) to a two bedroom flat (C3), change of use of the second floor from offices E(c)(iii) to a two bedroom flat (C3) together with associated works to install a replacement staircase between the ground and basement floors, new partition walls to each floor, the installation of secondary glazing, upgrading of sound resistance of the floors, with cycle and bin storage	Permitted	17.03.2022

Development Plan

As an application under S.96A of the Town and Country Planning Act 1990 the consideration relates to whether the proposal is a non-material amendment to the planning permission. The non-material amendment application is not assessed under the development plan. With regards to the listed building consent, the following policies and regulations are applicable:

Gravesham Local Plan Core Strategy 2014

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

Saved Policies in the Gravesham Local Plan First Review 1994

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

Section 16(2) and Section 66(2) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

The Council has a statutory requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which 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.

Consultations, Publicity and Representations

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply, and consultations/publicity are therefore at the discretion of the local planning authority.

In relation to these applications, Local Ward Councillors were consulted. No responses have been received.

GBC Conservation Officer

(03.08.2022)

Comments on application drawings:

No. 20/297/010

Clarify cut/open string, drawings not clear. Can be closed string below ground floor but should be open above ground floor level.

No. 20/297/08

Can the coving detail sections be shown on this drawing rather than having to look elsewhere (it doesn't exist)? They should not all be the same. Original profile to original room walls and none to new partition ceilings

No. 20/297/06

Can the skirting detail be shown on these drawings rather than looking elsewhere? They should not all be the same. Original profile to original room walls and modern square section same height to new partition walls.

No. 20/297/07

Where are the joinery details for replacement doors and windows?

[Agent submitted revisions and additions to the above drawings (some subsequently superseded) on 26.09.2022 and 07.10.2022.]

No. 20/297/03

Clarify. What do the red circles on the elevations mean? One annotation says block window but is this the case for all marked so? More info needed. [Agent submitted revised plan on 16.03.2023 removing circles.]

No. 20/297/04

Detail required for automatic opening vent in the ceiling above stairs. [Agent submitted additional plan on 26.09.2022.]

(11.10.2022)

Comments on drawings in no particular order:

The ground floor first step on the staircase:

- The newel post should sit on a step with a half round return.
- The nosing should return for all steps above ground floor – not second floor and above as annotated.

The skirting and coving details need clarifying on the drawings with further annotation:

- Existing profile details need to be annotated to confirm they are being adopted, if this is the case.
- The modern coving detail should not be adopted and need confirming on the annotations.

The proposed revised layouts seem to exacerbate the oblique angle of rooms – particularly on the first floor. This needs resolving. [Agent submitted revised plan on 30.11.2022.]

The relocation of the bathrooms needs to address the need for ventilation extractors which building regs will require. The previous layout offered the opportunity to duct to the rear but the new layout will not allow this. It needs further consideration. [Agent submitted revised plan with ducting provision on 20.03.2023.]

On the subject of doors – we need internal door architrave details, which will have to come from surviving originals and will vary depending on which floor they are located.

One other item to query is the panelled door detail. The raised and fielded panel detail is not original to this building and will need to be revised.

Original front doors are three panelled – see the one opposite at no.45. Likewise internal doors will be four panelled with recessed panels and bead moulding to edge. Ground floor may have been 6 panelled but if none survive would need checking against one of the surviving building interiors in Harmer Street to confirm.

[Agent submitted revisions on 09.11.2022 and 30.11. 2022.]

(06.01.2023)

The starting point is the original room layout, where the original skirting board should be adopted. Then, where a room has been divided, a modern skirting board should adopt the same height as the original but with a simplified profile (pencil round or chamfered rather than moulding). The same would follow for ceiling cornices to original room layouts.

[Agent submitted revisions on 09.02.2023, 14.03.2023 and 20.03.2023.]

(21/03/2023)

Skirting drawing 20/297/06A and Coving drawing 20/297/08A are still ambiguous and has not been addressed and I would advise against it being conditioned.

Skirting Drawing

Where is the Bullnose Skirting Section being used? Where is the Proposed Skirting Section being used?

What profile is the original basement skirting? There are the two skirting section profiles drawn for the first floor, where are they located on the plan If there is original skirting surviving in the location of the bathroom this must remain. No original skirting should be cut to install new partition walls and needs annotating on the drawings.

Coving Drawing

What is the original profile of the coving in the basement? There are two coving profiles shown for the ground floor but not indicated separately on the location plan. Original coving profiles should be reinstated to original rooms, not on new partition walls.

[Agent submitted revised skirting and coving plans on 22.03.2023.]

(23.03.2023)

No further comments.

Officer's Analysis

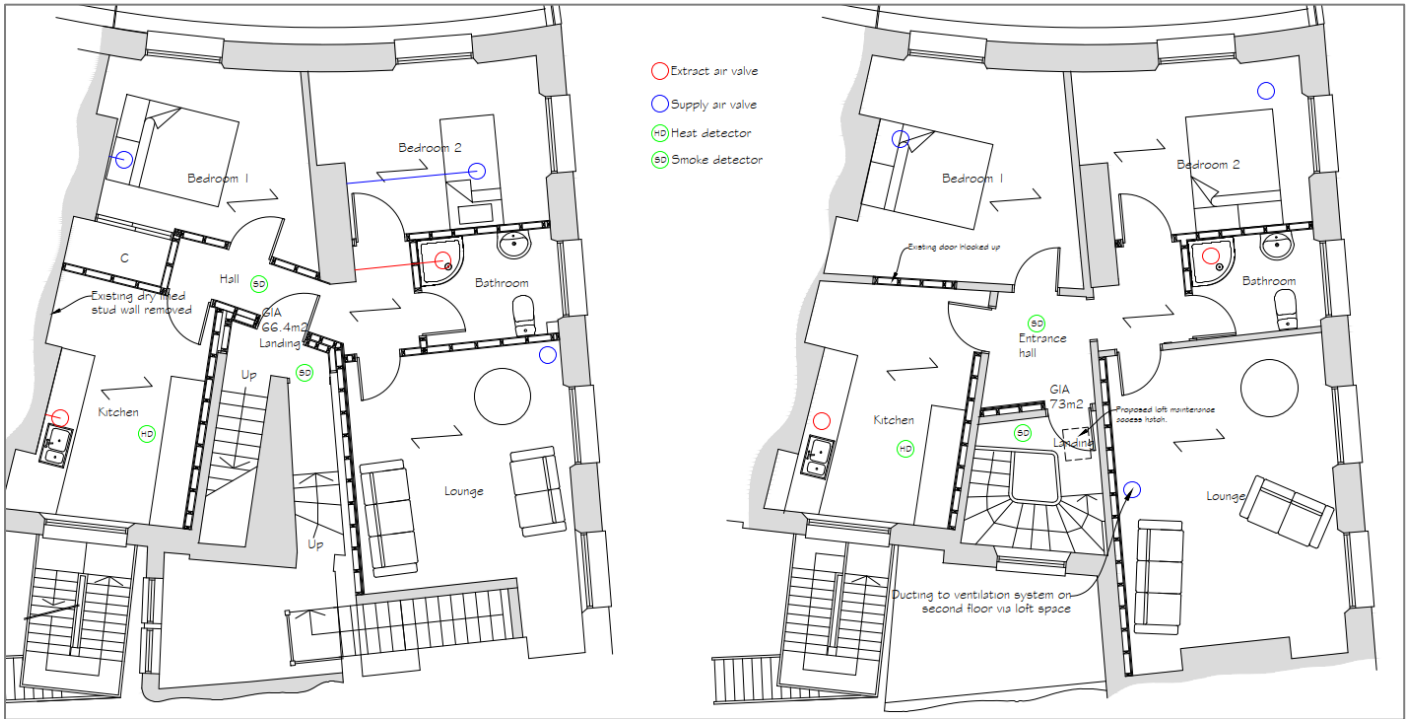
There is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under S.96A.

Whilst the proposed changes are deemed non-material in relation to the previously approved planning application 20210334, a new listed building consent is required in relation to the previously approved listed building application 20210335. The proposals are the same for both applications.

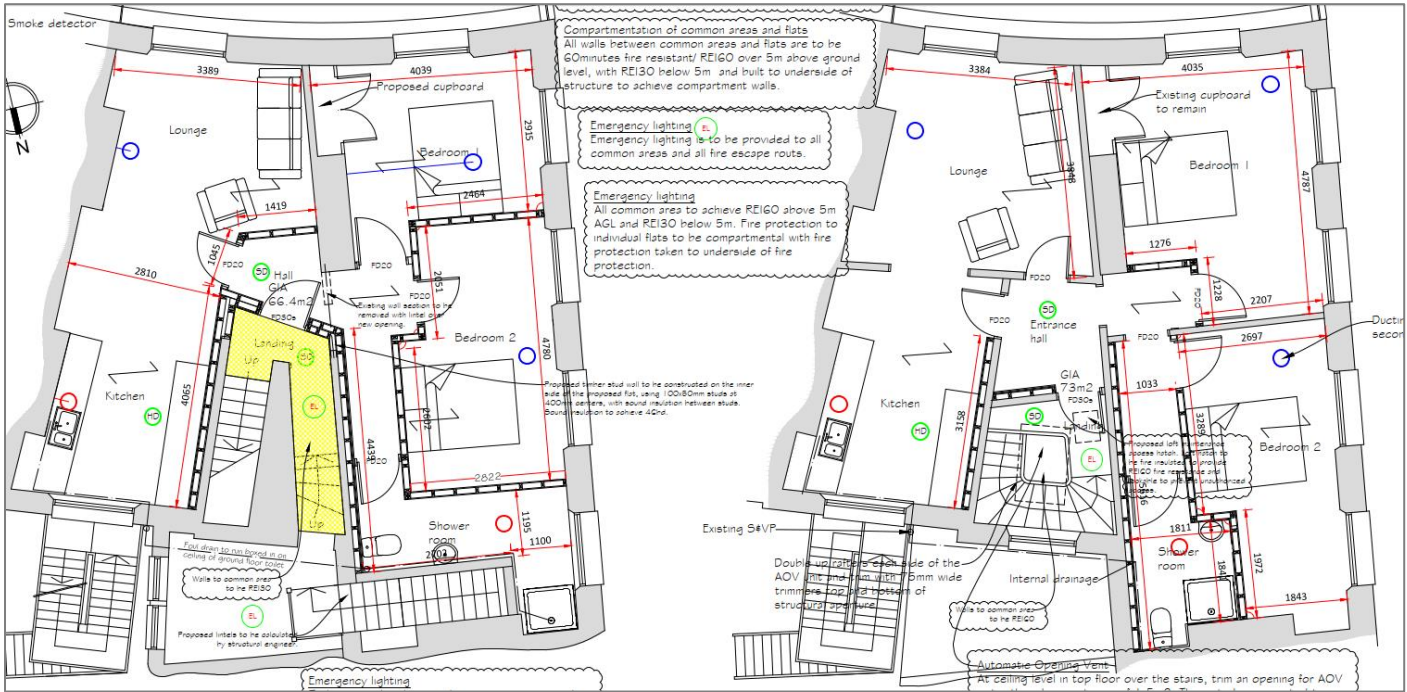
The proposal seeks to amend the internal layout after consideration of drainage runs by the building contractor and also by the Building Control Inspector. The proposal to move the bathrooms to the northern end of the buildings enables a drain run through the floors to the rear of the flats and then across under the ceiling in the ground floor toilet at the rear of the property, and then to the foul drain run connected to that toilet.

Additionally, Building Control require that an automatic opening vent (AOV) is installed over the staircase to the flats and is proposed within the rear roof slope where it will not be visible from street level. This will be a conservation AOV so appear the same as a conservation velux, with a central glazing bar with a low profile frame. The frame will be aluminium and painted black.

Existing approved first and second floor flat layouts:

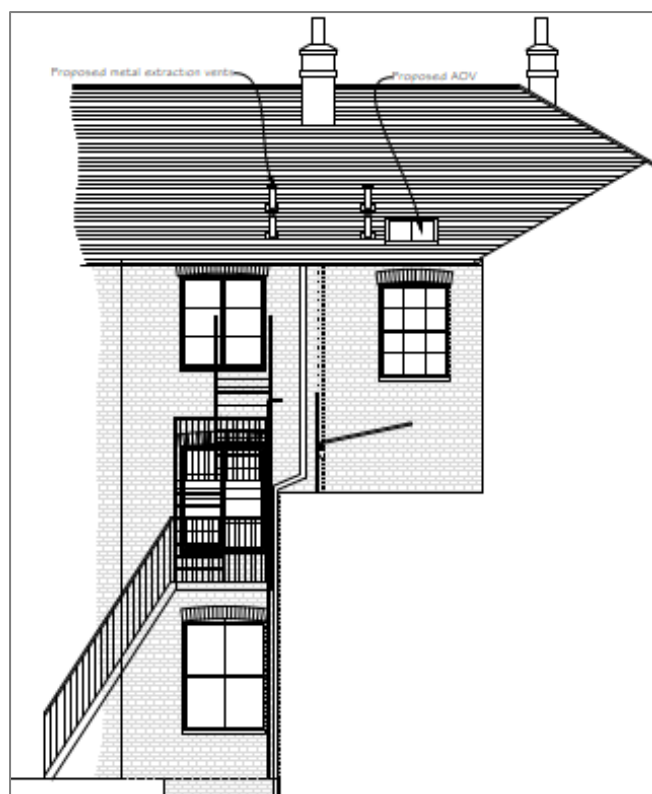
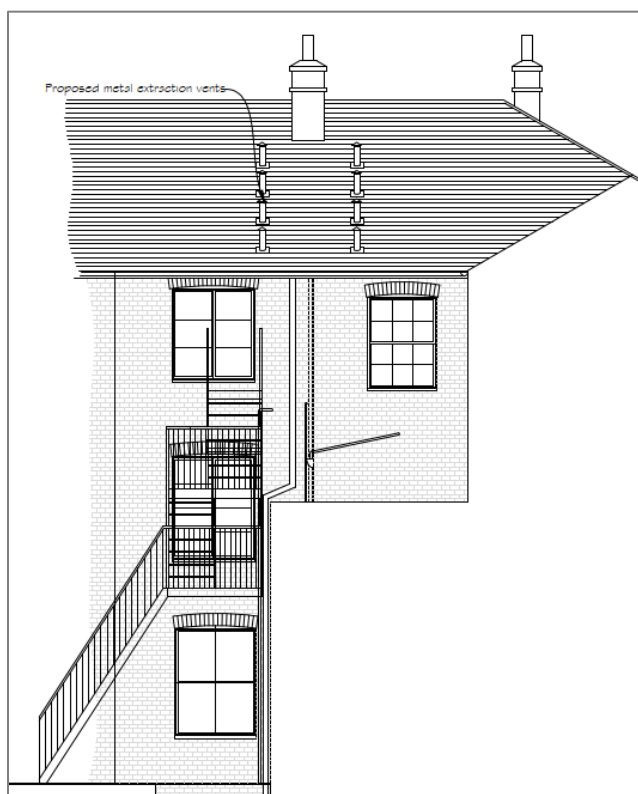


Proposed first and second floor flat layouts:



Existing proposed rear elevation:

Proposed rear elevation:



The changes to the approved drawings are not considered to equate to material changes to the original proposal, and there are valid reasons for the proposed alterations, which would lessen the impact on the listed building. The Council's Conservation Officer is satisfied that the revisions are acceptable.

Overall, the changes will be negligible within the context of the application site and surrounding area.

There are pending applications relating to details for various conditions on the original planning and listed building permissions currently being considered (see above Planning History). In terms of the non-material amendment application, the conditions from the previous planning permission will remain applicable and so no alterations are needed.

With regards to the current listed building consent, the submitted plans under this new listed building application include the details submitted for the relevant conditions under the previous consent, and therefore the wording of the relevant conditions can be amended to reflect the details to be carried out as approved. This would apply to conditions 3 (joinery), 4 (replacement/installation of external materials) and 8 (services).

With regards to conditions 5 (replacement rainwater goods) and 6/7 (repointing), the agent has confirmed there are no proposals to change rainwater goods and there are no proposed works to re-point the building. The wording of these conditions should be amended to reflect this with the submission of such details if these works were to occur.

It is considered that the above changes are non-material in terms of the nature of the development and would preserve the listed building and its features of special historic interest, and the applications can both be supported.

Conclusion and Recommendation

The proposed changes are considered to comprise non-material amendments and will preserve the listed building. In terms of the amendment, a separate planning permission would not be required.

(For detailed informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Richard Hart
Signed:	<i>K. Parkin</i>	Signed:	<i>R Hart</i>
Dated:	28.03.2023	Dated:	30th March 2023