



Delegated Report

Listed Building Consent Application

Planning Application No: 20240864

Location: Gravesham Restaurant Upper Floors 157 Milton Road Gravesend

Description: Application for Listed Building Consent for the conversion of the upper floors of the property from a vacant restaurant with ancillary accommodation to 1x1 bed flat and 3x2 bed flats.

Applicant: Mr Singh

Site Visit Date: Previous applications

Submitted Documents/Plans

Application form;
Drawing no. 821-01 Rev. A – Existing Ground & First Floor Plans;
Drawing no. 821-02 Rev. A – Existing Second & Mezzanine Plans;
Drawing no. 821-03 Rev. A – Existing Elevations – North & West;
Drawing no. 821-04 Rev. A – Existing Elevations – South and East;
Drawing no. 821-05 Rev. C – Proposed Ground & First Floor Plans;
Drawing no. 821-06 Rev. C – Proposed Second & Mezzanine Plans;
Drawing no. 821-09 Rev. A – Existing & Proposed Site Plan;
Drawing no. 821-10 Rev. A – Proposed Details;
Drawing no. 821-11 Rev. A – Proposed Secondary Glazing Details;
Location Plan;
Heritage Statement;
Design & Access Statement;
Air Quality Assessment Report Ref.: P7022-R1-V1 by Noise Air Acoustics & Air Quality dated 30/01/2024; and
Noise Assessment for Planning Version 1 dated 31/01/2024 by inacoustic.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240144	Conversion of the upper floors of the property from a vacant restaurant with ancillary accommodation to 1x1 bed flats and 3x2 bed flats.	Permitted	09.07.2024
20231004	Conversion of the property from a vacant restaurant to 3x1 bed flats and 3 studio flats.	Refused	05.12.2023
20230269	Application for Listed Building Consent for the conversion of the property from a vacant restaurant to 6x1 bed flats.	Refused	06.06.2023
20230268	Conversion of the property from a vacant restaurant to 6x1 bed flats.	Refused	06.06.2023
19900146	Application for Listed Building Consent for the reconstruction of the balcony at first floor level on the	Permitted	04.05.1990

	front elevation		
19920051	Erection of an external extraction duct on the rear elevation of No. 158 Milton Road.	Permitted	03.04.1992

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS07 – Economy, Employment and Skills
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

Other material considerations

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

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 (2023)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 6 – Delivering a sufficient supply of homes
- Section 7 – Ensuring the vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport

- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- King Street Conservation Area Character Appraisal (2009)
- Management Plan Gravesend Town Centre Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

No response from:

- GBC Conservation Officer
- National Amenity Societies

Publicity

The application was advertised by way of site and press notices – overall consultation expiry date was 01.11.2024 – no responses received.

Officer's Analysis

The application site consists of a three storey building situated on the southern side of Milton Road opposite the junction with Berkley Road. The building has two commercial units at ground floor and the first and second floors have a lawful use as a restaurant although this is currently vacant.

The building is grade II listed, located in the King Street Conservation Area, the A226 One Way System, Gravesend Air Quality Management Area (AQMA), the Thames Estuary And Marshes Ramsar Buffer Zone, the Gravesend Town Centre Opportunity Area and in an Area of Archaeological Potential.

Planning permission was granted for conversion of the upper floors of the property from a vacant restaurant with ancillary accommodation to 1x1 bed flats and 3x2 bed flats under application ref. 20240144 on 09.07.2024. This is the accompanying Listed Building Consent application to the development which was not submitted at the time of the planning application.

The principle considerations in the assessment of the application are:

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

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The application building is grade II listed and situated in the King Street Conservation Area.

In this application the number of proposed units would be four and this generally follows the existing layout but where there is sub-division this would only take place in either the more modern rear extension part of the building and two of the existing rooms in the original part of the building (the stores) but which the Conservation Officer had advised in previous planning application ref. 20231004 was acceptable.

In planning application ref. 20240144 there was information submitted in respect of noise and air quality

assessments and details of the works required under the Building Regulations along with secondary glazing details and these are submitted with this application also.

The works required under the Building Regulations involve the following:

- Two black powder coated vents in the rear elevation to serve two adjacent kitchens;
- Moving the doorway between the two halves of flat 1, repositioning it to a proposed entrance corridor between the bathroom and living room due to Part B (Fire Safety) – the Heritage Statement advises that this is considered to be low level less than substantial harm and that whilst opening up a section of historic wall this matches the existing second floor layout and is off-set by the sealing of the adjacent also non-original opening.
- Sealing the doorway/corridor between flat 1 and flat 3 and the stairwell at the centre of the property to the first and second floors respectively.

The Air Quality Assessment finds that no specific mitigation measures are needed (GBC Environmental Protection advised in planning application ref. 20240144 that nitrogen dioxide levels have been declining at the nearest diffusion tube over recent years so are likely to be below the Air Quality Objective for NO₂) although the Assessment still states that mechanical ventilation as an alternative to opening windows is recommended in order to achieve a better standard of living/amenity.

The Noise Assessment finds that with regards external noise sources there would be a +7dB excess over background noise levels which GBC Environmental Protection advised in planning application ref. 20240144 amounts to an adverse impact which would affect both the front and rear of the building. The report recognises that mitigation is therefore needed and that this cannot be achieved by windows being open for ventilation purposes so an alternative form of ventilation is needed. The report advises of minimum glazing specification (a mix of secondary glazing and double glazing depending on the façade) and mechanical ventilation (MVHR) that is required to achieve appropriate internal noise levels as required by BS8233:2014. GBC Environmental Protection advised in planning application ref. 20240144 that this would be acceptable with them as the Noise Assessment demonstrates that with the appropriate mitigation, suitable noise levels can be achieved and advise of conditions for full details of an MVHR system and a post completion noise survey.

Submitted with this application is a proposed secondary glazing drawing and also details of new internal wall construction and treatments to floors.

The Heritage Statement makes no mention of the proposed mitigation measures for noise and air quality.

In planning application ref. 20240144 the Conservation Officer viewed the proposals and advised that these appear to have addressed the concerns raised in previous planning application ref. 20231004 and if approved there was a need to be condition for further details in respect of ventilation, partitions and internal joinery, doors, architraves etc.

In order to ensure that future occupiers would not be impacted on by unacceptable noise levels mitigation is required to the building in the form of an MVHR system and secondary glazing (double glazing would not be acceptable). The Conservation Officer did not raise any specific concerns to the proposed mitigation but advised that conditions would be required of details of these matters. In planning application ref. 20240144 it was therefore considered that it would be acceptable to condition those matters to ensure there would be no harm caused to the listed building or the Conservation Area.

In this Listed Building Consent application details of secondary glazing and details of new internal wall construction and treatments to floors has been submitted. Such details were subject of condition 5 of planning permission ref. 20240144. As there is a need to consider all details together and in combination with the overall noise and air mitigation it is considered that such matters still need to be subject to condition. As drawings with details have been submitted with this application it is considered that it is necessary to attach the content of condition 5 again in full to this Listed Building Consent, should permission be forthcoming, with a pre-fix of 'notwithstanding the submitted details' in order to ensure that sufficient details are submitted and approved and there is no discrepancy.

This proposal for Listed Building Consent is the same as the development permitted under planning application ref. 20240144. It is considered acceptable subject to conditions. This would not need to include condition 3 (Construction Environmental Management Plan), condition 4 (Details of the MVHR system) or condition 6 (Post Completion noise survey) of ref. 20240144 as these are specific planning related conditions. Condition 5 of planning permission ref. 20240144 is recommended to be attached to this Listed Building Consent application, if approved, as the agent has submitted detail drawings but notwithstanding those full details still need to be submitted as the noise and air mitigation requirements and the impact on the listed building all needs to be designed and considered together to ensure not only that the mitigation meets the noise and air requirements but that it would also not affect the significance of this grade II listed building. For this reason it is recommended the content of what is condition 5 of planning permission ref. 20240144 is also attached to this Listed Building Consent also, if approved.

Any Other Material Planning Considerations

None.

Conclusion

In summary, subject to conditions it is considered that such works would protect the architectural and historic interest of this listed building and the character and appearance of the King Street Conservation Area. As such the proposal is compliant with Policies CS19 & CS20 (LPCS), saved Policies TC2 & TC3 (LPFR) and sections 12 & 16 of the NPPF (2023).

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	14th November 2024	Dated:	15th November 2024