

Regulatory Board (Planning)

Wednesday, 12 June 2019

7.00 pm

Present:

Cllr Lauren Sullivan (Chair)
Cllr Harold Craske (Vice-Chair)

Councillors: Conrad Broadley
John Burden
Brian Francis
Gary Harding
Bob Lane
Jordan Meade
Brian Sangha

Note: Councillor: Sarah Gow was also in attendance

Jan Guylor	Head of Legal Services (Medway Council)
Wendy Lane	Assistant Director (Planning)
Christopher Butler	Planning Manager (Development Management)
Richard Hart	Principal Planner (Major Sites)
Peter Price	Principal Planner
Lauren Wallis	Committee Services Officer (Minutes)

61. Apologies for absence

No apologies for absence were received.

62. To sign the Minutes of the previous meeting

Further to the Declaration of Interest in relation to application 20190155 made at the meeting of the Board held on 22 May 2019 by Cllr John Burden, Cllr Burden drew attention to the fact that whilst he was the Leader of the Council and that this was an a Borough Council application, he had not spoken or voted upon the item and therefore the minute should be amended to reflect this error.

The minutes of the meeting held on 22 May 2019, as amended, were signed by the Chair.

63. Declarations of Interest

Cllr Bob Lane declared an other interest in application 20190169 - Cobham Lodge, Valley Drive in that the application was immediately adjacent his ward and he had submitted an objection to the application as a private individual before his election to the Borough Council. He therefore considered his view to be predetermined and he advised of his intention not to take part in the discussion or voting on this application.

Cllr Jordan Meade declared an other interest in application 20190169 - Cobham Lodge, Valley Drive in he knew the speaker speaking in objection to the application when they had both been governors on the school board for Thamesview Secondary School.

Cllr John Burden declared a significant interest in application 20190265 – The Barn, East Court Farm, Church Lane, Chalk as the applicant was a personal friend and that he would leave the meeting during the discussion and voting on this application.

64. To consider whether any items in Part A of the Agenda should be considered in private or the items in Part B (if any) in Public

None.

65. Planning applications for determination by the Board

65.1 20190169 - Demolition of existing house and outbuildings and erection of a part four storey and part three storey building for the residential development of 20 no. one bedroom, 41 no. two bedroom and 3 no. three bedroom apartments with associated car parking - Cobham Lodge, Valley Drive - report herewith

Cllr Bob Lane remained in the Council Chamber but took no part in the discussions or voting on this application.

The Board considered an application reference 20190169 which proposed the demolition of the existing house and all outbuildings on the site and the construction of a part four storey and part three storey building for the residential development of 20 one bedroom, 41 two bedroom and 3 three bedroom apartments and associated car parking. The Principal Planner (Major Sites) set out the significant objections to the application relating to the siting, size, bulk, massing, design, impact on the street scene, adverse impact on the amenity of surrounding properties and the poor amenity for future occupiers. In addition, the proposal was failing to provide affordable housing or any S.106 contributions. As such the officer's report recommended that permission be refused and the report listed five grounds for refusal for Members' consideration. The application was before the Board as it was a major development proposal.

The following points were made during discussion on this application:

- Members noted that the reference to the overlooking of rear gardens at the rear, north side of the site was referring to a garden with no building within 5 metres of the boundary of the site which was in excess of the requirements of the Gravesham Local Plan Core Strategy. However, residential gardens would be overlooked by the proposal including a four storey flank wall and Council policy required that amenity space be protected.
- The Board was advised that the apartments met the minimum size space standards. However, storage provision depended on the layout of the apartment. As the agent advised they wished the proposal to be considered as submitted negotiations had not taken place on the internal layout of the flats.
- Concern was raised that the proposal failed to provide affordable housing or any S.106 contributions. The Board was advised that the applicants had considered the

profit margin to be too low to include affordable housing or S.106 contributions and to do so would render the development unviable. Members considered that there should be affordable housing provided, if not on this development, then on another within the Borough.

- The Principal Planner (Major Sites) advised that the applicant had refused to negotiate with regard to concerns raised by officers and had asked that the application be considered by the Regulatory Board (Planning) as submitted.
- Following a question about whether the development had been designed with numbers of units in mind or for the people that might live there, Members were advised that a balcony had been included on every unit as amenity space together with the inclusion of appropriate play spaces rather than open grass areas. It had been proven that appropriate play spaces were used more regularly than open grass spaces. Careful planting had also been designed to improve amenity spaces and green roofs and walls had also been included in the design.
- Members noted that the elevations of the buildings shown in the PowerPoint presentation appeared squashed and would, in reality, appear taller and more vertical.
- Members were advised by the agent that this development would set a precedent for the Borough as a consequence of the Government's housing targets. This view was based on other available sites for development nearby including the lorry park and the Nell's café site. The construction of the Lower Thames Crossing would create a market for these residential developments.
- The Board noted that the 20% profit from developments was used as aspirational guidance in London Boroughs and other neighbouring authorities. However this aspiration was subject to market price drops the causes of which might include Brexit or a rise in taxes or inflation.
- The vehicle access was considered to be an awkward right turn from a busy road. However, Members were advised that officers had raised concerns but had been informed that there would not be enough vehicles turning right into the development per hour to qualify for a right turning lane layout to be introduced.
- Comments were made on the bulk, massing and density of the development and the lack of sympathy with the surrounding locale which was described as a leafy suburb.
- The Board was advised that a mix of materials was suggested including red brick and white render which was similar to nearby residences. Green and brown roofs were proposed. The green roofs would be planted with sedum and the brown would be spread with soil, stones and small rocks to allow local species of plants and flowers to seed themselves. The water collected from the roofs would be used for irrigation of the roofs and the wall planting. The walls would be covered in a series of pockets forming a vertical sheet. Hadlow College had undertaken research into this type of planting and flowering plants and higher density foliage would be used. This type of planting was able to remove particulates from the air. It was confirmed that the planting would need bi-annual maintenance.
- It was noted that some aspects of the design, the green/brown roofs and walls would be a good idea for use by the Ebbsfleet Development Corporation in the Garden City.
- Members were informed that the perimeter trees of the site would be retained and additional trees would be planted in the open spaces.
- A Ward Member highlighted residents' concerns regarding the density of the development, the overlooking and loss of amenity, the proximity of the development to the road, the possible underestimation of the number of car owners that might reside in the development. It was considered that a smaller development would be more in keeping with the area.

- Members were advised that Government guidelines stated that local authorities required a 5 year housing supply. As GBC does not have one concern was raised by Members that GBC would lose planning appeals for proposals of this nature and would therefore lose the ability to apply planning conditions or influence the design of this type of development in the future.
- The Board noted that the proposed development did not lie within an Air Quality Management Area.

Resolved:

- (a) that application 20190169 be **DEFERRED** to enable negotiations with the applicant and/or the applicant's agent to address the Board's concerns in regard to all five grounds of refusal, as the Board considered a residential reuse of this site to be justifiable subject to revisions/amendments and additional information being agreed with officers and being formally submitted, with the instruction that the application be reported back to the Regulatory Board (Planning) on 4 September 2019 for Members to consider the revisions/amendments and additional information submitted, at that time. The concerns of the Regulatory Board (Planning) included that the proposed development fails to make any provision for affordable housing, or any other developer contributions and as such the proposal is contrary to Policy CS10 and CS16 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) and National Planning Policy Framework; and
- (b) that should the applicant and/or applicant's agent decline to enter meaningful negotiations then the application be reported back to the Regulatory Board (Planning) on 4 September 2019 for Members to determine the application in line with the officer's original recommendation.

- Note:
- (a) Mr Darren Bland (Agent)(a supporter) addressed the Board.
 - (b) Mr David Gingell (an objector) addressed the Board.
 - (c) Cllr Sarah Gow spoke with the leave of the Chair.

65.2 20190265 - Removal of stable building and out building and replacement with an 8 bay domestic garage building with lift facility for the double stacking of vehicles at The Barn, East Court Farm, Church Lane, Gravesend - report herewith

Cllr John Burden left the Council Chamber during discussion and voting on this application.

The Board considered an application reference 20190265 which sought the removal of the stable building and an outbuilding and the replacement with an 8 bay domestic garage building with lift facility for the double stacking of vehicles. The Principal Planner described the application in detail and showed photographs and plans of the site. Members were also apprised of previous changes to the layout of the site which was a former farmstead, including the conversion of a brick barn and stable building into a dwelling (The Coach House), the demolition of a Dutch barn to create a garden, the conversion of a threshing barn into two dwellings (The Barn and The Granary) and the conversion of a side barn/cart lodge into a further dwelling (Meadow Lodge). The officer noted that the previous conversions had been undertaken using sympathetic designs. The site also has a new access to serve the four dwellings on the site. Permitted Development Rights had been removed on the conversion of the farm buildings to dwellings. However, the proposed

garage was much bigger than the building it replaced and had a larger footprint than the dwelling it would serve although its design was similar to that of the dwellings. The proposed garaging would be used to house the applicant's collection of cars which were currently stored around the site. The key issues were whether the proposal was inappropriate development contrary to national policy set out in Section 13 (Protecting Green Belt Land) of the National Planning Policy Framework (NPPF) and Policy CS02 of the Gravesham Local Plan Core Strategy (September 2014), saved policy C13 (vii) of the Gravesham Local Plan First Review and emerging Policy DM6 – Extensions, Replacement Buildings and Ancillary Development in the Green belt on the Gravesham Site Allocations and Development Management Policies DPD (Regulation 18, Stage 1, Part 2 consultation draft – April 2018).

The Board was advised that garages did not fall within the exceptions to inappropriate development in the Green Belt in the NPPF. However there was some flexibility in local policies and the proposal should be considered on its merits, be reasonably required, be well designed, should not be overbearing and should be subservient to the main building, and not cause harm to the openness of the Green Belt and there should be no other outbuildings that could be used. No objections had been received for neighbouring properties and no objections had been received on highways grounds.

The application had been referred for consideration at the request of Cllr Brian Sangha.

The following points were made during discussion on this application:

- Following a question on whether to building to be removed was of historic interest, the officer advised that the stable building would be removed together with a green shipping container and had only been on the site since 2006. The two mobile homes being used by construction staff would also be removed. None of these could be considered as curtilage listed buildings.
- The Board was informed that the height of the tree line situated on Eastcourt Manor (not the application site) and located to the rear of the proposed garaging was currently approximately 7 to 8 metres and the garaging roofline would be 6.9 metres. The tree line behind the proposed building would screen the garage building from the neighbouring Eastcourt Manor.
- The site was located in the Chalk Ward of the Borough and was not within the parish area of Shorne which was 400 metres to the east.
- The proposal fell within the defined curtilage of the site.
- It was noted that the new access was built in 2013 and now blended into its surroundings as the planting had grown in.
- A comment was made that the Conservation Officer should have addressed the possible historic nature of the building to be removed and those within the curtilage.
- It was noted that there had been 4 garage spaces on site which in 2018 had been converted to residential properties and concern was expressed that this might happen again. The Board was advised that there was no intention for conversion into dwellings and the opinion was expressed that any permission should be strictly conditioned to prevent this from happening and that the limit for buildings within the curtilage of this site has been reached.
- It was considered that the proposal did not detract from the openness of the Green Belt. However, it was suggested that the meadow behind the dwellings should be protected and enhanced.
- Officers advised the Board that Very Special Circumstances needed to be demonstrated if an exception was to be made to inappropriate development in the Green Belt.

Following the Officer presentation to Members, the Board considered the submitted planning application and all other material planning considerations and information available to them. Members judged that the Very Special Circumstances were as follows:

- That the proposal was within the residential curtilage of the property and did not encroach onto the Green Belt;
- That the design and external treatment of the proposal reflected the existing buildings on the site;
- There were no usable buildings on the site for vehicle storage including the original open sided shed;
- The design of the proposal was considered to be subservient to the dwelling it was related to; and
- The proposal had a limited impact on the openness of the Green Belt.

Therefore the Board considered that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, was clearly outweighed by the Very Special Circumstances listed above. In the light of these considerations, Members **resolved** that application 20190265 be **PERMITTED** subject to the conditions regarding the implementation of development listing drawing numbers, a condition limiting the use of the building to garaging ancillary to the main dwelling and for no other purpose and the use of appropriate materials; together with the reasons for imposing such conditions and informatives that will be described in full in the decision notice issued by the Planning Department and available on the following link: www.gravesham.gov.uk/planning-search.

Note: Mr Philip Graham (Agent)(a supporter) addressed the Board.

66. Planning applications determined under delegated powers by the Director (Housing & Regeneration)

A schedule showing applications determined by the Director (Housing & Regeneration) (under delegated powers) had been published on the Council's website.

67. Any other business which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency.

Mr Christopher Butler

It was noted that this was the last meeting of the Board that would be attended by Mr Christopher Butler – Planning Manager (Development Management) who would be leaving the Council to take up a post with the Planning Inspectorate. The Board thanked Mr Butler for all his hard work, help and excellent planning advice given throughout his time with the Council and wished him luck in his new role.

Mr Butler acknowledged the thanks of the Board.

Close of meeting

The meeting ended at 9.16 pm