

## Regulatory Board (Planning)

Wednesday, 6 February 2019

7.00 pm

### Present:

Cllr Michael Wenban (Chair)  
Cllr Robin Theobald (Vice-Chair)

Councillors: John Burden  
Lee Croxton  
Bronwen McGarrity  
Lauren Sullivan  
Shane Mochrie-Cox  
Leslie Hills

**Note:** Councillors: Greta Goatley, John Knight and Steve Thompson were also in attendance

Laura Caiels	Lawyer (Place) Medway Council
Wendy Lane	Assistant Director (Planning)
Christopher Butler	Planning Manager (Development Management)
Richard Hart	Principal Planner (Major Sites)
Faye Hobbs	Senior Planner
Rebecca Harrison	Senior Planner
Alison Webster	Career Grade Planner
Lauren Wallis	Committee Services Officer (Minutes)

### 39. Apologies for absence

Apologies for absence were received from Councillor Conrad Broadley and Councillor Brian Sangha and Councillor Leslie Hills and Councillor Shane Mochrie-Cox respectively, attended as their substitutes.

### 40. To sign the Minutes of the previous meeting

The minutes of the meeting held on 9 January 2019 were signed by the Chair.

### 41. Declarations of Interest

Cllr Steve Thompson made a voluntary declaration of non-prejudicial interest in application 20140550 as the suggested development was for use by older people. Cllr Thompson worked for an organisation called the Methodist Homes for the Aged (MHA) which, to the best of his knowledge, had no relationship with the applicant.

**42. 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.

**43. Planning applications for determination by the Board**

**43.1 20140550 - Demolition of existing building and erection of a four/five storey building at Former Guru Nanak Gurdwara, Clarence Place, Gravesend**

The Board considered an application in relation to the former Guru Nanak Darbar Gurdwara, Clarence Place, Gravesend, Kent DA12 1LD for the demolition of existing building and erection of a four/five storey building to accommodate 16 two bedroom and 3 one bedroom self-contained flats with 19 parking spaces, cycle storage provision and bin stores at basement level.

The Principal Planner (Major Sites) introduced the application giving a description of the site and provided details of additional comments received since the publication of the report. It was the Officer's view that whilst the third party comments were noted, they raised no fresh issues within the application. For clarity, officers had not seen the documents before as they had not resulted in an offer or formal pre-application being submitted. Officers disagreed that paragraph 4.19 to 5.12 of the supplementary report were misleading and considered that the advice that Members need to weigh the application as a whole, including what would replace the non-designated heritage asset, was correct.

Members were asked to have regard to Section 66(1) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which places a duty on the decision maker to pay special attention to the desirability of preserve the heritage asset. In the Board's consideration of this duty, attention was drawn to section 6 of the main report and section 4 and 5 of the supplementary report especially where reference was made to paragraph 193 of the NPPF 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. The heritage issues had been carefully considered by both the Council's Conservation Architect and the applicant's heritage consultant

It was acknowledged that the scheme had been controversial and a significant number of objections had been received.

With regard to the delivery of housing, significant positive weight has been given to the proposal in respect to redevelopment for housing which complies with policies CS02, CS14, CS15 and CS16 and the expectation in the NPPF that previously developed land in sustainable locations were positively brought forward for housing that makes optimal use of the site.

In conclusion, the Principal Planner (Major Sites) advised that, on balance, it was considered that the proposal was in accordance with the development plan as a whole and that there were no material considerations which indicate otherwise. In particular, the Council had also concluded that the clear and convincing justification had been given which was required by the NPPF. It was therefore recommended that that the proposal can be supported.

During consideration of the application the following points were raised:

- Members were shown photographs of the current condition of the exterior and interior of the building which had been vacant since 2010 and was in a poor state due to vandalism by youths and burglars. However, Members were advised that the site could not be described as derelict rather it is regarded as a vacant site. The site is previously developed or, more commonly, classified as a brownfield site and was within the Windmill Hill Conservation Area.
- Following a request from a Member, an application received in 2008 to redevelop the site was compared with the current application. The 2008 application proposed more units and also incorporated an additional section to the rear of the building.
- The need for appropriate housing in the Borough was acknowledged as was the scarcity of brownfield sites.
- Three periods of marketing had been undertaken. The most recent had been undertaken by Caxtons Chartered Surveyors & Property Services (Kent) over a 6 month period which had been unsuccessful.
- Members were advised that the Gurdwara intended to rent, not sell the proposed flats to elderly people at a reduced rent 20% below the marketable value and Gravesham residents would be given priority. It was noted that the Gurdwara was a registered charity and therefore had to operate under charitable rules. Officers explained to Members that whilst that might be the Gurdwara's intention, the application before them did not include that information and should be judged as providing open market housing with no affordable housing being provided.
- Members noted that a number of residents considered that the building could be used as a community centre, art gallery, offices and a possible home for Mr Tony Larkin's historical artefacts. The meeting was advised that following the construction of the new Gurdwara, the Section 106 agreement on the permission included a clause that prevented the former Gurdwara from being used as a place of assembly because of complaints from residents about the lack of parking in the area.
- Members noted that with regard to the building being proposed for use as a community centre, art gallery, offices and a possible home for Mr Tony Larkin's historical artefacts, a serious offer had been made to the applicants who had not responded. Following questions, it was determined that the offer was £50,000 and there were queries whether this could be considered as a serious offer at that very modest level. However Members noted that they could only consider the scheme before them.
- English Heritage confirmed that the former Gurdwara building was not of listable quality. Whilst it was a non-designated heritage asset located in the Windmill Hill Conservation Area, a sustainable future use was considered key for its retention and an alternative viable proposal had not been put forward.
- The design of the proposed building was considered to be a pastiche but one that the Board considered would harmonise with the surrounding area.

- The Board acknowledged that over 190 objections to the application had been received and recognised the local attachment to the building but also noted the large number of residents who supported the proposal.
- Another Councillor felt that the Windmill Conservation Area should be respected and the former Gurdwara building should not be allowed to be demolished to build flats especially as a number of other possibilities had been suggested.

**Resolved that application 20140550 be DELEGATED to the Planning Manager (Development Management) to grant planning permission subject to:**

- **Further consideration of late representations received prior to the resolution of the Regulatory Board (Planning) and whether those representations raise any new issues with legal advice to be sought where appropriate.**
- **Completion of a Section 106 Agreement, with Heads of Terms as set out in the main report, within 6 months of the date of the resolution made by the Regulatory Board (Planning).**
- **Planning conditions/informatives, including pre-commencement conditions to be agreed in consultation with the applicant**

Note: (a) Mr Geoff Haskin (agent for the applicants) (a supporter) addressed the Board.  
 (b) Mr Yaadwinder Singh Sumray (a supporter) addressed the Board.  
 (c) Ms Tejinderjit Sanghera (a supporter) addressed the Board.  
 (d) Mr Ian Kilblane (an objector) addressed the Board.  
 (e) Mr Paul Martin (an objector) addressed the Board.  
 (f) Mrs Melanie Parr (an objector) addressed the Board.  
 (g) Cllr Steve Thompson spoke with the leave of the Chair.

#### **43.2 20181206 - Gurdwara Temple Guru Nanak Marg, Gravesend**

The Board considered an application in relation to the Gurdwara Temple Guru Nanak Marg, Gravesend, Kent Nanak Darbar Gurdwara, Clarence Place, Gravesend, Kent for the display of a 30 metre high flag pole (mast) (Nishan Sahib) outside the main entrance to the Gurdwara. The Principal Planner (Major Sites) elaborated that the existing 22 metre flagpole was being replaced and that this was submission was seeking advertisement consent, where only public safety or amenity are material planning considerations.. The Board noted that no objections had been received in relation to this application and no complaints had been received in relation to the existing flagpole.

**Resolved that application 20181206 be DELEGATED to the Planning Manager (Development Management) to Advertisement Consent, subject to the imposition of the standard advertisement consent conditions, as set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).**

*(The meeting was suspended for 15 minutes to allow members of the public to leave the public gallery and for members of the public who wished to attend for the next two applications to take their seats.)*

### 43.3 20181155 - Installation of Polytunnels at Land West of Northfleet Green, Gravesend

The Board considered an application in relation to the land west of Northfleet Green, Gravesend for the installation of 5 blocks of polytunnels on an agricultural field located to the north and west of Northfleet Green Road, Northfleet Green. The site contained a public right of way that extends diagonally from the southwest corner to the northeast corner. There were also a number of electricity pylons across the site. To the west was a field that already contained polytunnels that had been approved by Dartford Borough Council in 2016.

During consideration of the application the following points were raised:

- The officer clarified that the proposals did not jeopardise the Right of Way.
- Concern was expressed about the efficiency of the existing screening on New Barn Road, provided as part of the polytunnel development in Dartford, and the future efficiency of the proposed screening for this application. A strengthened condition for the use of semi-mature shrubs and trees was requested. Concern was also expressed about the future maintenance of the screening although it was noted that the existing screening was irrigated at the same time as the polytunnels.
- It was noted that the proposed polytunnels would be 0.46 metres higher and have a larger bore than those already on the side of the farm within the Dartford Borough Council area. Officers were requested to seek answers on why the larger polytunnels were required for this application.
- The Development Manager (Development Planning) confirmed that the application would have come under the remit of permitted development but required planning permission as the supports for the polytunnels would be buried.
- A comment was made that raspberry bushes tended to grow to a height of 1.5 metres and the polytunnels were 4.6 metres high. The Board was advised that the applicant wanted to maximise the use of the polytunnels and intended to have four rows of canes at the sides and space to allow the access of a tractor.
- The issue of glare during the 9 months of the year that the polytunnels would be covered in plastic was raised. Whilst research had been undertaken at Brogdale Research Station in an effort to reduce glare from the plastic, it was recognised that this would not be completely avoided.
- Further to the glare issue, it was noted that because of the proposed layout of the polytunnels, the sunrise and sunset and any sun during the day would cause glare to nearby residences.
- The Board was advised, by an objector, that the current development in Dartford was not complying with a number of planning conditions. This included that:
  - the location of the existing wellness facilities (toilets etc) for the workers were in plain sight of the public highway and nearby residences. They were also a long walk from the existing polytunnels and the workers had been seen using “open air toileting”.

- There was unsecured storage of toxic chemicals on the site.
- The Board noted that the planning breaches in evidence at the site had been reported to Dartford Borough Council by residents.
- A question regarding the consultation of relevant organisations such as CPRE Kent and AONB would be useful. The Board was advised that the site was not within an Area of Outstanding Natural Beauty.
- It was noted that other areas of the country has to alternate sites with polytunnels be without them year on year.

In conclusion the direct impact of the proposal on residential amenity was noted together with the need to balance this with the agricultural needs of the farmer.

**Resolved that application 20181155 be DEFERRED for a site visit for in order to assess the impact of the polytunnels and in particular:**

- **The impact of the application on the amenity of neighbouring residences in terms of the bulk of and glare from the polytunnels.**
- **To inspect the siting and screening quality of the existing hedging with a view to reducing the visual impact of the application.**
- **The siting of the wellness facilities for workers in relation to the polytunnels and the neighbouring residences.**

Note: (a) Mr Graham Simpkins (agent for the applicant) (a supporter) addressed the Board.  
(b) Mr Glen Hodgkiss (an objector) addressed the Board.  
(c) Mrs Karen Brown (an objector) addressed the Board.  
(d) Mr Andy Rodriguez (an objector) addressed the Board.  
(e) Cllr John Knight spoke with the leave of the Chair

#### **43.4 20181030 - St Andrew's Arts Centre, Royal Pier Road, Gravesend**

The Board considered an application for Listed Building Consent for the repair of the river wall at the northwest corner of the St Andrew's Art Centre, Royal Pier Road, Gravesend. The Development Manager (Management Development) showed photographs to the Board which showed the movement of the northwest corner into the river. It was noted that the water flowed up the river wall when the tide was in.

During consideration of the application the following points were raised:

- The Board was advised that the Council was paying for the proposed works.
- Concern was expressed with the lack of quality of previous repairs to the river wall and Members requested that it be ensured that these works were of high quality even if this incurred an additional cost.
- Members were informed that the stainless steel rods and ties had been included in the design to strengthen the wall.

- Following a suggestion for the use of engineering bricks the Board was advised that the replacement render would not adhere to these bricks and that the Council's conservation architect had approved the design and had raised no objection to the replacement of the render further back.
- A question was raised as to why the render was not being replaced and whether it was being left to deteriorate. The officer undertook to seek input on this subject.
- The Chair asked that marine contractors be asked to tender for the work.

Development Manager (Management Development) reminded Members that the application would need the approval of Historic England before work could commence.

**Resolved that application 20181030 be DELEGATED to the Planning Manager (Development Management) to grant Listed Building Consent subject to:**

- **The applicant reviewing the proposal in regard to the render beyond the extent of repair being left to continue to deteriorate and including the repair to these areas, in an acceptable manner, within the Listed Building Consent application;**
- **The application being referred to Historic England to establish whether they wish to seek referral of the submission to the Secretary of State; and.**
- **The imposition of conditions and informatives as set out in the report and the additional condition recommended in the Supplementary Report.**

#### **44. 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.

#### **Close of meeting**

The meeting ended at 10.00 pm