

## Regulatory Board (Planning)

Wednesday, 5 February 2020

7.00 pm

### Present:

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

Councillors: Conrad Broadley  
John Burden  
Brian Francis  
Gary Harding  
Jordan Meade  
Brian Sangha  
Frank Wardle

**Note:** Councillors: Aaron Elliott, Emma Elliott and Jenny Wallace were also in attendance

Vicky Nutley	Assistant Head of Legal Services (Place)
Wendy Lane	Assistant Director (Planning)
Richard McEllistrum	Planning Manager (Development Management)
Richard Hart	Principal Planner (Major Sites)
Lauren Wallis	Committee Services Officer (Minutes)

### 91. Apologies for absence

An apology for absence as received from Cllr Bob Lane and Cllr Frank Wardle attended as his substitute.

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

The minutes of the meeting of the Board held on 8 January 2020 were signed by the Chair.

### 93. Declarations of Interest

Cllr John Burden declared a voluntary announcement of another interest, for reasons of transparency, in relation to applications 20190833 and 20190834 as the applicant was Gravesham Borough Council and he was the Leader of the Executive. He advised that he did not have a direct or indirect pecuniary interest.

Cllr Harold Craske declared a voluntary interest for information purposes in relation to applications 20190833 and 20190834 as he had previously been the Cabinet member for Housing and had been consulted on these applications a few times. However, he had not taken any part in the decision process.

## **94. Planning applications for determination by the Board**

### **94.1 20190833 - Garage Block and Part of Amenity Space adjacent to Constable Road and Rembrandt Drive, Northfleet - Revised Description and Plans**

The Board considered an application reference 20190833 in relation to the demolition of 6 garages on Rembrandt Drive and erection of a 1one bedroom bungalow and erection of a terrace of 6 one bedroom bungalows along Constable Road with associated off street car parking and improvements to the existing children's playground and amenity space adjacent to Constable Road.

The Principal Planner (Major Sites) introduced the application by highlighting that the application site consisted of two elements. Site A was a corner plot on the junction of Rembrandt Drive and Constable Road which consisted of grass, a mature sycamore tree and a block of six lock-up garages. Site B was an amenity green space surrounded by Cotswold Road, Chiltern Road and Constable Road. The application site formed part of a wider post war housing estate which was all council housing with a portion of houses purchased through right to buy.

The proposal was for affordable housing consisting of 7 one bedroom dwellings each served by one parking space to the front. The applicant had confirmed the tenure would be for rent and would be allocated to applicants on the Gravesham Housing Register and to ensure the development was retained as affordable housing, this would be conditioned.

Site A was too small to be included within the amenity green space quantitative figures. As such Site A provided visual amenity to the area over recreational use. The lock-up garages currently on Site A were considered to be detrimental to the existing street scene as they essentially provided dead frontage and backed onto the street scene. It was considered that the proposed development of Site A would improve the street scene and as such complied with local and national planning policy.

The development of Site B would clearly affect the street scene of Constable Road, and whilst not completely obstructing the appreciation of the amenity green space to the rear, would allow for the retention of amenity green space to the rear and side of the development and improvements to the amenity green space had been offered by the applicant through tree planting and improvements to the facilities on site. In addition, whilst a moderate proportion of the frontages to the Site B terrace would contain hardstanding for vehicle parking and pedestrian access, a good level of soft landscaping would also be included.

The Board was advised that 9 trees at the front of the site would be removed to make the most efficient use of the site which was a requirement of local and national planning policy. However, to offset the loss of these trees the planning conditions would require 2 for 1 planting ratio for replacement trees. The officer confirmed that the suggested conditions would require the applicant to engage with local residents on what improvements they would like on the remaining amenity green space.

With regard to impact on the amenity of adjacent properties, it was confirmed that, as outlined in paragraphs 5.57 to 5.64 of the report, there would be no adverse impact on the amenity of adjacent properties. 110 individual comments and a petition signed by 96 persons had been received during the course of the application. All of material planning

considerations raised by third parties had been fully considered during the evaluation of the proposal.

The application was before the Board because the Local Planning Authority was the applicant.

The Board heard the views of the public speakers who answered questions from Members.

The following points were made during discussion on this application:

- Following a question on why applications 20190833 and 20190834 had not submitted as a single application, Members were advised that this had originally been the intention. However, officers had been unable to support the proposal contained in application 20190834 and therefore it had been submitted as a separate application as the Board could not issue split decisions.
- It was recognised that the stepped design of the rear gardens on Site B was not ideal, however given the topography of the site it had been the only solution available to the applicant.
- Concern was expressed about whether the tiered garden as proposed provided the safe environment needed for wheelchair users.
- A privacy issue was raised in that people walking past the proposed terrace (Site B) would be able to see into the houses as a result of the topography of the site. In addition, the back gardens would also lack privacy if people viewed the rear of the properties from the top of the Gabion wall. The Board was advised that a condition in relation to appropriate boundary treatment had been included in the officer's recommendation.
- Concern was expressed over the loss of the green space and it was noted that 100 individual comments had been received. The space was considered to be a local landmark that had been in situ for 50 years.
- The Board was reminded of the application in Whitehill Parade, Whitehill Lane had, in 2019, been refused because of the proposed loss of amenity space and the Planning Inspectorate had upheld the Council's decision after an appeal against the decision had been lodged by the applicant.
- The balance between the need for this type of housing in the Borough and the need to protect amenity space was highlighted. It was noted that a portion of the amenity space was being retained and would be improved by new planting and new play equipment. The current location and slope of the green space meant that it was not easily used for ball games as the balls ran off to the road.
- Members' attention was drawn to the Open Spaces Study produced by Knight, Kavanagh & Page which had confirmed that the amenity green space was considered to be of low quality. However, it was noted that the local scout group used the green space for nature studies.
- The high demand for this type of dwelling that had been designed for use by elderly or disabled people with a high quality build, good levels of insulation, electric car charging points etc was recognised. It was noted that the space in the loft, although not designed to be a bedroom, met the Government's space standards.
- The replacement of two trees for one was noted and replacement with semi-mature trees was requested.
- The height of the Gabion wall was advised to be around 1.8m. Concern was expressed in relation to the wall possibly being used by free-runners and being climbed on by children and the likely incidence of injury. It was suggested that a

condition be included that consideration be given to the modification of the design of the wall to make it difficult to climb and stand on.

- Following a concern raised in relation to the run off of water from the site, the Board was advised that a condition had been included that would deal with water run-off.
- A concern was raised about the use of a portion of the greenspace setting a precedent. The Board was assured that any future applications for this site would not be supported by officers.

**Resolved that application 20190833 be PERMITTED subject to the planning conditions and informatives, which would include conditions with regard to the detailed shape/form of the Gabion wall, planting and landscaping to ensure public safety and to protect the privacy of the proposed dwellings and provide for semi-nature trees to be planted in the greenspace, to be set out in the decision notice issued by the Planning Department and made available on the following link: <https://www.gravesham.gov.uk/planning-search>.**

*(Cllrs Harold Craske, John Burden, Brian Francis, Brian Sangha and Lauren Sullivan requested that their votes in support of the recommendation be recorded. Cllrs Conrad Broadley, Gary Harding, Jordan Meade and Frank Wardle requested that their votes against the recommendation be recorded.)*

Note: (a) Mr Simon Doherty (Applicant)(a supporter) addressed the Board.  
(b) Ms Anna Kadziolka (Architect)(a supporter) addressed the Board.  
(c) Cllr Emma Elliott spoke with the leave of the Chair.

#### **94.2 20190834 - Garage Block south of Rembrandt Drive, Northfleet- Revised Description and Plans**

The Board considered an application reference 20190834 in relation to the demolition of 2 garages and erection of a 1 one bedroom bungalow on Rembrandt Drive, with off street car parking and a private rear garden.

The Principal Planner (Major Sites) introduced the application and advised that the site formed part of the wider post war housing estate which was originally constructed as council housing with a number of the properties being purchased through right to buy. The character of the area was predominately two storey dwellings, either terraced or semi-detached, with open space characterising the junctions of roads. It was advised that the site was too small to be included within the amenity greenspace quantitative figure and as such the site provides visual amenity to the area as opposed to recreational use.

The application proposed to demolish the existing lock up garages which were a neutral feature within the street scape and to build on the green space which was a key characteristic of the wider estate. The site was constrained by the mature tree on the site. As a consequence of the small plot size and the existing mature tree on the site, the proposed dwelling appeared as a cramped form of overdevelopment which failed to respect the building line on either Rembrandt Drive or Constable Road. As such, whilst the proposed dwelling physically fitted on the site, the proposal would alter the character of the area with the construction of a dwelling on this site. It would have a cramped appearance causing material harm to the street scene. It was therefore considered that the proposal would be harmful to the character and appearance of the area and as such the proposal would be contrary to local and national planning policy and the application was not supported.

The Board was advised that 72 individual comments and petition signed by 96 people had been received during the course of the application. All of material planning considerations raised by third parties had been fully considered during the evaluation of the proposal.

It was noted that the applicant had sought to address the concern regarding third parties accessing Kipling Community Hall and surrounding rear garages by increasing the width of the access way from 3.08m to 4.72m. Whilst this addressed an issue, it also raised a concern regarding the impact of the dwelling on the existing mature sycamore tree.

The application was before the Board because the Local Planning Authority was the applicant.

The Board heard the views of the public speakers who answered questions from Members.

The following points were made during discussion on this application:

- A concern was raised as to whether the alterations to the access of Kipling Hall made it viable for the users of the Hall and it was confirmed that the access would now be viable for users including the scout group who had minibuses etc.
- Members were advised that movements in and out of the access were usually of a limited nature and took place throughout the day, early in the morning and late in the evening. Use of the access was more frequent during the summer school holidays.
- A Member noted that regardless of the outcome of the debate, it might be appropriate to improve the access to Kipling Hall including the possible extension of the existing dropped kerb so that vehicles could avoid driving over the verge.
- The Board noted that the proposal did not match the building lines of neighbouring properties and did not fit with the character of the area.

**Resolved that application 20190834 be REFUSED on following grounds that the proposal was contrary to local and national planning policy and the benefits of the proposal (most significantly relating to the provision of affordable housing) did not outweigh the wider harm to the street scene and potential impact on the existing mature tree on the site.**

*(Cllrs Conrad Broadley, Harold Craske, Brian Francis, Gary Harding, Jordan Meade, Brian Sangha, Lauren Sullivan and Frank Wardle requested that their votes in support of the recommendation be recorded.)*

Note: (a) Mr Simon Doherty (Applicant)(a supporter) addressed the Board.  
(b) Ms Anna Kadziolka (Architect)(a supporter) addressed the Board.  
(c) Mr Andy Treadwell (an objector) addressed the Board.

### **94.3 20190717 - Courtlands. Gravesend Road, Shorne DA12 3JR**

The Board considered an application reference 20190717 in relation to the erection of a stable building with tack room and detached barn at Courtland, Gravesend Road, Shorne. A supplementary report was circulated by the Planning Manager (Development Management) who had also emailed the report to the Board.

The Planning Manager (Development Management) described the application site, its size and location, the access onto the Gravesend Road and showed aerial photographs which gave more detail of the site's boundaries and topography. The building was to include

stabling for 4 horses and a tack and storage room. A previous application had seen permission given for vehicular access but a change of use for the agricultural land had not been sought at that time as there were no structures on the site. It was noted that a public footpath only intersected a small part of the edge of the site. The application did not propose the loss of any woodland or hedging however there were no Tree Preservation Orders on the site. In recognition of the possible future use of the building, conditions to prevent uses except for equine were set out in the report.

The Board was advised that the proposed change of use to equestrian was a use that was appropriate to the countryside and Green Belt and, in regard to the erection of stables was, due to the positioning of the stables, not considered to result in an excessive adverse impact on the openness of the Green Belt. The proposed development was located away from any neighbouring properties and already had permission for vehicular access. The proposal therefore accorded with the objectives of the relevant policies and strategies and was therefore considered to comply with local and national planning policy.

The application was before the Board at the request to Councillor Bob Lane.

The Board heard the views of the public speaker who answered questions from Members.

The following points were made during discussion on this application:

- Following a question about the protection of trees and hedgerows, the officer cited British Standard 5387 with regard to tree protection matters and undertook to include an appropriate condition should the application be permitted.
- Following an objection that the site at one acre was too small to support 4 horses, it was noted that a rule of thumb for the grazing of equines was one acre per horse. However, it was noted that this would depend on what other dry feed the horses were provided with, and whether some grazing occurred elsewhere. The Board was advised that the Council had consulted an external expert, Rural Planning, on this matter who had supported this proposal.
- The Board was advised that the applicant had agreed to increase the boundary fencing height from 1 metre to 1.25 metres. However, it was requested by the public speaker that the applicant consider a fencing height of 1.50 metres.
- A request was made that, should a Tree Preservation Order be considered for the site, the Order should not be a coverall and only include certain species and specimens. The officer noted that this would be a sensible solution if tree removal was being proposed, but that the applicant did not intend to remove any of the trees.
- The Board was advised that the owner of the site lived on a neighbouring site within a short walking distance of the application site. It was also noted that the applicant was also understood to own other land in the area.
- Following concern being raised on the possibility of the site being further developed or a change in use, it was suggested that potential future Permitted Development rights be removed and the officer agreed it would be sensible to define this issue.

**Resolved that application 20190717 be PERMITTED subject to the planning conditions set out in the main and supplementary report, which would more closely define and control the use of the approved buildings in the specific use for which permission is now given, to be set out in the decision notice issued by the Planning department and made available on the following link:**  
<https://www.gravesham.gov.uk/planning-search>.

Note: Mrs Susan Lindley (an objector) addressed the Board.

**95. Planning applications determined under delegated powers by the Director (Planning & Development)**

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

**Close of meeting**

The meeting ended at 9.10 pm