



Council

Tuesday, 12 April 2022

Dear Councillor

You are advised that the attached documents form part of the main agenda papers for this meeting.

Please ensure you bring them with you to the meeting.

Yours faithfully



S Walsh
Service Manager (Communities)

List of documents attached

- 5f) Minutes of the meeting of the Planning Committee held on (Pages 3 - 18)
Wednesday, 6 April 2022

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Planning Committee**Wednesday, 6 April 2022****7.00 pm****Present:**

Cllr Brian Sangha (Chair)
Cllr Harold Craske (Vice-Chair)

Councillors: Brian Francis
 Gary Harding
 Bob Lane
 Emma Morley
 Diane Morton
 Elizabeth Mulheran
 Tony Rice

Note: Cllr Denise Tiran and Cllr Tony Rana were also in attendance

Wendy Lane Assistant Director (Planning)
Richard Hart Team Leader (Development Management)
Faye Hobbs Team Leader (Development Management)
Vicky Nutley Assistant Head of Legal Services (Place)
Julie Francis-Beard Committee Services Officer (Minutes)

50. Apologies for absence

An apology for absence was received from Cllr Samir Jassal and Cllr Diane Morton attended as his substitute.

51. To sign the Minutes of the previous meeting

The minutes of the meeting of the Planning Committee held on Wednesday, 2 March 2022 were agreed and signed by the Chair.

52. Declarations of Interest

Cllr Mulheran queried the need to declare an interest as a member was the applicant for one item and the Chair confirmed that as all Members knew the elected it was not necessary to declare that on this occasion.

No other declarations of interest were made.

53. Planning applications for determination by the Committee**53.1 20220052 - 55 Rochester Road, Gravesend, Kent**

The Committee considered 20220052 in relation to 55 Rochester Road, Gravesend, Kent.

The application was for the construction of a third floor extension to facilitate the conversion

of the existing roof penthouse to form 2 flats and reconfiguration of the parking layout.

The Team Leader (Development Management) introduced application 20220052 to the Committee and highlighted key points from the report.

- No pre-application discussions were had for this development prior to the application being submitted.
- Since the publication of the report, the SAMMS tariff has increased to £275.88 per dwelling from 1 April 2022.
- The site originally contained a bungalow and when the flats were approved careful consideration of the street scene was taken into account. This resulted in a two-storey development in the roof space in keeping with the bungalow to the left and right of the property.
- In section 2 of the report the extensive planning history is set out. In 2020 an application for an erection of an additional 3 x 3 bedroom self-contained flats, relocation of 5no. car parking spaces and creation of 3no. additional car parking spaces was refused and an appeal was dismissed in 2021. In 2021 another application for the relocation of 5no. carparking spaces and erection of 3no. 2 bedroom self-contained flats and 3no. additional car parking spaces was refused and an appeal has been lodged awaiting a decision. Later in 2021 an application for the relocation of 5no. car parking spaces and proposal of 2no. single storey dwellings and 3no. additional car parking spaces with ancillary works was refused by the Planning Committee.
- The proposed changes to create a 3-storey flat roof building is not in character with the local area and will provide a net gain of only one unit.
- The second floor is revised to accommodate an additional dwelling with the layout matching the existing layout at ground and first floor.
- As set out in section 6.35 of the report, each flat is substandard in size and would provide substandard living conditions for future occupiers.
- With regards to the impact on the surrounding properties this is addressed in section 6.41 – 6.47 of the report and it is considered that the proposed building would result in an additional storey to the building resulting in a large three storey building within close proximity to single storey dwellings.
- The resulting bulk and massing of the building would have an overbearing and dominant impact on the surrounding properties and gardens and would be considered to be intrusive on the occupants of the adjacent dwellings.
- It is clear from the report at paragraph 6.23 to 6.33 that the design is contrary to policy which states:
the development is considered to constitute overdevelopment of the site which would result in a dominant and incongruous built form, out of character within the existing streetscene. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 (LPCS)
- The approved landscaping scheme for application 20190345 has not been implemented. The Planning Enforcement Team have an investigation open regarding the implementation of the soft landscaping to the rear.
- In conclusion, whilst the net gain of one dwelling would offer minimal contribution towards the housing supply, it would not outweigh the following harm
 - character and appearance of the area,
 - the living conditions of neighbouring residents
 - residential living environment for future residents

In response to Members' clarification questions on the application, the Team Leader (Development Management) explained that the following:

- The proposed height of the building, in the middle of the property, would not exceed 3m which is the height of the current pitch of the roof.
- The Chair asked what changes have been made regarding the Planning Inspector's comments, when it went to appeal on the original development. The Planning Inspector sited character and appearance of the area and the relationship with the development. The Team Leader (Development Management) explained that the previous scheme was for backland development to the rear of the site, whilst this scheme is dealing solely with development to the front. Therefore, issues that the Inspector had identified do not relate to this application, but there are new issues with the impact on the street scene on Rochester Road.
- Following a question about neighbours being overlooked, there is an alley to the east of the site and a garage to the west. The neighbours will not be directly overshadowed but the development will be overbearing.
- When the overall height of the building which is above the height of the dormers was built in 2008, there was concern of overlooking which was overcome by ensuring the dormers were set in from within the ridge line and in from the eaves. This scheme introduces a much higher degree of overlooking and will harm the amenity of neighbouring properties. The scheme in 2008 was dealt with under the previous National Planning Policy and this scheme is under the current NPPF and Corporate Strategy.

The Team Leader (Development Management) fielded questions from Members and the following items were discussed:

- As set out in paragraph 6.35 of the report it showed that Flats 5 and 6 are 63.11sqm which falls below the national standard of 70sqm. This would create substandard living arrangement for future occupiers.
- Looking at the proposed front elevation in paragraph 6.14 of the report the proposal is for two full sized balconies to be installed instead of two smaller dormer windows on the existing proposal.
- The Vice Chair proposed to move the application in line with the Officers recommendation and Cllr Lane seconded the proposal.

Resolved that the application be **REFUSED** Planning Permission for the following reasons:

1. The proposals would result in three storey flat roof development that would be out of character with the area and would constitute an overdevelopment of the existing site and would be incongruous considering the existing pattern of development and the character of the predominantly residential area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the National Planning Policy Framework (2021) which states 'developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate

innovation o change (such as increased densities)'.

2. The proposed flats fail to offer the space required for adequate living accommodation to the detriment of future occupants and the enjoyment of these dwellings contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.
3. The proposal would result in a detrimental impact on the amenities of the occupiers of the residents of the surrounding properties and in particular, Nos. 51 and 53 Rochester Road, in terms of increase overlooking and loss of privacy and a dominant and overbearing impact due to the increase in height and bulk, contrary to Policy CS19 of the Core Strategy 2014 and paragraph 130f of the National Planning Policy Framework 2021.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES

1. DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form;
 Design and Access Statement;
 Drawing No. 039-P-001 – Site Location & Site Plan;
 Drawing No. 039-P-010 – Existing Ground Floor Plan;
 Drawing No. 039-P-011 – Existing First Floor Plan;
 Drawing No. 039-P-012 – Existing Second Floor Plan;
 Drawing No. 039-P-013 – Existing Roof Plan;
 Drawing No. 039-P-020 – Existing West Elevation;
 Drawing No. 039-P-021 – Existing North Elevation;
 Drawing No. 039-P-022 – Existing South Elevation;
 Drawing No. 039-P-023 – Existing East Elevation;
 Drawing No. 039-P-040 – Existing West Car Park Elevation;
 Drawing No. 039-P-042 – Existing South Car Park Elevation;
 Drawing No. 039-P-043 – Existing East Car Park Elevation;
 Drawing No. 039-P-041 – Existing North Car Park Elevation;
 Drawing No. 039-P-100 – Proposed Site Plan;
 Drawing No. 039-P-110 – Proposed Ground Floor Plan;
 Drawing No. 039-P-111 – Proposed First Floor Plan;
 Drawing No. 039-P-112 – Proposed Second Floor Plan;
 Drawing No. 039-P-113 – Proposed Roof Plan;
 Drawing No. 039-P-115 – Proposed Front Car Parking Access;
 Drawing No. 039-P-120 – Proposed West Elevation;

Drawing No. 039-P-121 – Proposed North Elevation;
 Drawing No. 039-P-122 – Proposed South Elevation;
 Drawing No. 039-P-123 – Proposed East Elevation;
 Drawing No. 039-P-140 – Proposed West Car Park Elevation;
 Drawing No. 039-P-141 – Proposed North Car Park Elevation;
 Drawing No. 039-P-142 – Proposed South Car Park Elevation;
 Drawing No. 039-P-143 – Proposed East Car Park Elevation; and
 Drawing No. 039-P-150 – Proposed Planting Plan.

2. STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions

Refusal: Unanimous

53.2 20211286 - The Old Dairy, Bocoda Hill Farm, Wrotham Road, South Street, Meopham, Gravesend, Kent, DA13 0QG

The Committee considered 20211286 in relation to The Old Dairy, Bocoda Hill Farm, Wrotham Road, South Street, Meopham, Gravesend, Kent, DA13 0QG. The application was for the installation of solar panels.

The Team Leader (Development Management) explained to the Committee that there is a correction in the report at paragraph 4.3 relating to Cllr Tiran's comment, which should simply state that "a single resident made contact with her to raise their objection".

The Chair explained that in the report the reason for referral states Councillor Call In. The application would have been referred to this committee as there is a fine balance to be drawn for this development that is within the Green Belt.

The Team Leader (Development Management) introduced application 20211286 to the Committee and highlighted key points from the report.

- The proposed solar panels would be positioned in an area to the northern boundary of Bocoda Hill Farm Cottage.
- The site falls within the Green Belt and also the Meopham Downs Landscape Character Area.
- The Old Dairy forms part of a previous farm complex which has all since been converted to dwellings.
- There are 66 solar panels proposed, laid out in 6 rows of 11 panels. Each panel is

1.73m by 1.1m and will be no higher than 0.5m off the ground. Each row of panels will be 19m wide, with 1.5m space between each row to allow for the retention and maintenance of the lawn. The overall area covered by the panels would be 268m².

- A trench approximately 90m long will be required for the cabling to connect the solar panels to an inverter located in the garage of The Old Dairy.
- They key consideration of this application is whether it is acceptable development within the Green Belt. The fundamental aim of Green Belt Policy is to prevent urban sprawl by preserving the open and permanent characteristics of the Green Belt.
- As stated in paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Paragraph 151 of the NPPF confirmed that elements of many renewable energy projects will comprise inappropriate development and as such this proposal must demonstrate very special circumstances, such as wider environmental benefits, to be considered acceptable.
- Due to the site currently being devoid of any buildings or structures, the proposal will reduce the openness and encroach into the countryside.
- Guidance states that the impact on the openness should take into account the spatial and visual impact, the duration of a development and its remediability, and the degree of activity resulting from the use, such as traffic generation.
- The area surrounding the application site consists of open fields, wooded and hedgerow edges.
- The manmade shape and layout would appear out of place but is off-set by the fact they are low to the ground, will have space around them for grass to grow and not visible from a public vantage point.
- Although the panels are additional built development, the impact is not substantial as they are not a permanent development and will be removed when no longer required, or within 25 years. The harm on the openness is therefore limited and localised.
- The surrounding properties are in excess of 50 and 60 meters away from the solar panels.
- The development will be most visible to Bocoda Hill Farm Cottage but additional planting is proposed to lessen the impact.
- The development is considered to safeguard neighbour amenity.
- The very special circumstances focus on the renewable energy benefits of the proposal. The property currently has a very high electrical demand which is four times that of a typical domestic property, as explained in paragraph 6.25 to 6.27 of the report. This does not constitute a solar farm due to it being for a single residential property.
- The provisions of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF.
- Policy CS18 of the Local Plan Core Strategy seeks to reduce the overall carbon footprint of the Borough and supports stand alone renewable energy.
- Gravesham Borough Council declared a climate emergency in 2019 and are committed to achieving carbon neutral status.
- As there are no other examples of this type of development in the Borough, an example appeal has been provided in Appendix 1. This is similar in scale providing 67 panels in 5 rows covering an area of 300m², within the Green Belt and landscape character area.
- The Inspector concluded, for that similar application, that the proposal was an inappropriate development in the Green Belt with moderate harm from loss of openness. The slight harm to the character and appearance was sufficiently

outweighed by other material considerations, namely their temporary and reversible nature and the wider environmental benefits. The proposal therefore amounted to very special circumstances.

- The environmental benefits and acceptability of the impact of this proposal on the character and appearance of the areas are sufficient to outweigh the harm to the Green Belt in this instance. This is considered to amount to the very special circumstances required to justify the proposal. On this basis the application is acceptable and is compliant with national and local planning policy.

In response to Members questions on the clarification of the application, the Team Leader (Development Management) explained that:

- As to why the panels are positioned at the bottom of The Old Dairy rather than the application property, this was the location applied for. The nearest dwelling is 50m away.
- Soft landscaping would lessen the visual impact of the solar panels and would not affect any overshadowing on the solar panels.
- There were 2 representations objecting to the application which have been summarised in paragraph 4.2 of the report.
- With regards to a question that was asked about whether the NPPF and Local Plan have any policies in respect to the benefits of environmental gains and size and scale of renewable energy sources, the Team Leader (Development Management) explained that the policies are generic and each case has to be determined on its own merits in terms of scale.
- The Applicant was in attendance and although had withdrawn his right to speak as a Registered Speaker, the Chair asked the Applicant to clarify why the location of the solar panels was chosen. The Applicant explained that the top right of the site was exposed to sunlight all day long.

The Committee heard from Cllr Denise Tiran, a Ward Councillor for Meopham South. Cllr Tiran had been approached by a local resident wishing to object to this application and having received an update from the Planning Officer could see both sides of the argument. The local residents objections were on the appearance of the area, queries as to why there were so many solar panels and Cllr Tiran received clarification on both those issues. Cllr Tiran explained that as the Ward Councillor she had neutral opinions as they are both residents of her ward and would refer the decision to the Planning Committee.

Cllr Tiran also confirmed that the correction in the report at paragraph 4.3 that the Team Leader (Development Management) explained at the start of this application relating to Cllr Tiran's comment, which should simply state that "a single resident made contact with her to raise their objection" was correct.

The Team Leader (Development Management) fielded questions from Members and the following items were discussed:

- Concerns were given over the location and visibility of the solar panels. The Chair explained that as they are only 0.5m high these solar panels would not have such a visual impact, neighbours may be able to catch glimpses of them but would need to be high up to actually see them. The nearest neighbours are 50 and 60m away and even if you can see them, it does not mean they would be harmful to those residents. The Team Leader (Development Management) explained that there is no right to a view

and no right to maintain that view.

- As there has been no development like this before in Gravesham, the Committee viewed the Planning Inspector's decision on a similar appeal in another authority.
- Concerns were raised in terms of setting a precedence for any other development. The Team Leader (Development Management) explained that each application is determined on its own merits and due to the temporary nature of these solar panels, they are considered a non-permanent feature and although could be there a long time, they are different from a built structure.
- The Chair confirmed that any decision taken by this Committee would not be binding on any future application. No two locations in Gravesham would be the same.
- The Team Leader (Development Management) explained that there was no information regarding the reflective nature of these panels and re-emphasised that the neighbouring properties are 50 and 60m away so unlikely be an issue.
- Cllr Rice expressed his concerns regarding the Green Belt and how many other properties in Gravesham would submit applications like this one. On the other hand should the Council be denying owners of properties trying to reduce the high level of energy costs and attempting to go carbon neutral. The Council could benefit from a more refined policy instead of a generic one. The Chair thanked Cllr Rice for a well-reasoned argument and highlighting the dilemma at the heart of the Green Belt. The Team Leader (Development Management) explained that this application was very unique with their very high electricity demand which is four times higher than that of a normal domestic supply. This is partly due to the presence of a pumping station that feeds off their supply and is powered constantly. Other properties in the Green Belt are unlikely to require the number of solar panels needed for this site.
- The Council needs to be careful to mitigate openness of the Green Belt by building bunds as they ultimately alter the appearance of the area more permanently and would be harder to remove in years to come when the solar panels are removed.
- Cllr Harding explained that although we cannot say any future applications won't require the amount of solar panels as this one. That may change when more electrical vehicles require charging points especially on farms with tractors and lorries and this could become a normal sized solar farm.
- The Chair supported paragraph 6.35 in the report where the Council declared a climate emergency and reminded members that they all committed to reducing the carbon footfall in the future and this application was looking at the balance on what is permissible and what renewable energy we do have. The Chair reminded the Committee that as part of Climate Change, Gravesham and KCC had converted the Fastrack Buses to electric buses.
- The Assistant Director (Planning) provided further clarification on the two recommendations for permission available to Members. If Members were comfortable with the recommendation as set out in the report, then they can approve the decision on the basis that Members feel there is not a substantial harm to openness. However, there is another option to consider regarding, which is if Members consider there to be a significant harm to the openness but if Members are still minded to approve, this must include a referral declaration to the Secretary of State. Officer consideration is that the impact is not significant, but Members need to clarify whether they agree with the Officers recommendation.
- The Chair confirmed that only if the Committee agreed that the harm on the green belt is not significant should the application be approved.
- The Vice Chair moved the recommendation and this was seconded by Cllr Lane.

Resolved that the application be **APPROVED** Planning Permission subject to the conditions listed in the below.

Conditions

Time Limit

1. The development hereby approved shall be begun not later than 3 years following the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out in precise accordance with the following approved plans and particulars:

SolarEdge three phase inverter datasheet received 13 October 2021;
 Drawing (The Old Dairy Position of Inverter) received 14 October 2021;
 Application form received 21 October 2021;
 Drawing (The Old Dairy Solar Panels) received 25 October 2021;
 Drawing (The Old Dairy Solar Panels – Location Plan) received 25 October 2021; and
 SolarEdge Designer Report received 14 December 2021.

Reason: For the avoidance of doubt and in the interests of proper planning.

Details of Solar Panels

3. The solar panels hereby permitted shall not be erected until full details of the solar panel array, including details of their height, mounting and distance from the ground, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to protect and enhance the character and appearance of the site and locality, and in the interests of residential amenity, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Soft Landscaping Scheme

4. The solar panels hereby permitted shall not be erected until full details of a soft landscaping scheme associated with the development, including boundary screening and grass seeding or turfing, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include planting plans, including specifications or species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

The approved landscaping scheme shall thereafter be implemented and maintained in accordance with the approved details. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting

season following the completion of the development. Any trees, plants or grass which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the character and appearance of the site and locality in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

Expiry Date

5. This permission shall expire within 25 years from the date when electricity is first exported (the 'First Export Date') from the solar panels to the host dwelling (The Old Dairy). Written notification of the First Export Date shall be provided to the Local Planning Authority no later than 14 days after this event.

Reason: To enable the Local Planning Authority to control the development in the interests of the openness of the Green Belt, and in accordance with Policies CS02, CS12 and CS19 of the Local Plan Core Strategy 2014.

Removal of Solar Panels

6. Within three months of the solar panels hereby permitted ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, or in the event that the solar panels are no longer required to power the Southern Water pump associated with the host dwelling, the solar panels and associated infrastructure shall be permanently removed from the land, and the site restored to its former condition, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out.

Reason: In order to protect and enhance the long-term character and appearance of the site and locality in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014.

INFORMATIVES:-

1 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

2 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 BUILDING REGULATIONS CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 FUTURE DEVELOPMENT

You should be aware that the development hereby approved does not constitute any form of structure and cannot be used to justify the development of a future building(s) on the site. You should contact the Local Planning Authority about any such proposals in the first instance.

5 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

Approved: 8 Members
Abstention: 1 Member

Note: (a) Mr Nigel Payne (Applicant – in favour) addressed the Committee.
(b) Ward Councillor Denise Tiran spoke with the leave of the Chair

53.3 20211551 - 90 Cross Lane East, Gravesend, Kent DA12 5HB

The Committee considered 20211551 in relation to 90 Cross Lane East, Gravesend, Kent DA12 5HB. The application was for the creation of a dropped kerb for vehicle access onto

west side of the property to facilitate vehicle access to the front of the property.

Cllr Morton left the Council Chamber for a short period of time but because she missed the presentation she was unable to vote on this application.

The Team Leader (Development Management) introduced application 20211551 to the Committee and highlighted key points from the report.

- The application site comprises of a chalet type bungalow dwelling on the southern side of Cross Lane East which is a classified road (C Class) and the existing dwelling has a driveway at the eastern end which serves a garage.
- The immediate locality is residential in character with several surrounding dwellings having off road parking to the front of their dwellings. Further east of the site is a parade of shops and hot food outlets around the Echo Square roundabout.
- A recent site visit has identified that works have been undertaken to accommodate the new driveway and associated hard standing.
- In section 6 of the report it sets out the planning merits of this proposal and paragraph 6.2 and 6.3 of the statement sets out the key consideration for this application; namely
whether the proposed new vehicular access and the associated front garden parking/hardstanding facilities and alterations to the front garden boundary are appropriate and acceptable in both in highway safety terms and amenity terms and in relation to adopted policy.
- In paragraphs 6.5 to 6.8 of the report it confirms that there is sufficient depth to provide parking spaces on the site and Gravesham Highways Officers raised no objection to the parking being provided.
- In paragraph 6.13 to 6.15 of the report it outlines the Kent County Council Crossover team is unlikely to support the second dropped kerb for the site. Furthermore, Saved Policy T5 in the Local Plan First Review (1994) actively discourages the creation of new accesses to local distributor road to the main highway network.
- The impact of this second vehicular access would also result in there being a loss of two on road parking spaces (depending on size of the vehicle)
- In summary, it is considered the development is contrary to local and national policies as set out in paragraph 6.15 of the report.
- In paragraph 6.15 of the report it sets out the character and appearance of the site prior to works commencing on site.
- Notwithstanding the neighbouring sites, which currently have hardstanding in the front garden facilitating vehicle accesses fronting the highway, by virtue of the significant loss of soft landscaping at the site is considered harmful to the character of the street scene. The existing soft landscaping has recently been removed resulting in a net loss of biodiversity. This is contrary to Section 15 of the NPPF (2021), which states that developments should result in a biodiversity net gain.
- In summary, whilst the proposal is considered to safeguard the amenity of future occupiers, as well as neighbouring properties, it is considered that the proposed hardstanding will significantly reduce the soft landscaping within the front garden, which positively contributes to the character and appearance of both the property and wider street scene. Additionally, the hardstanding results in a nett loss of biodiversity on the site.

In response to Members questions on the clarification of the application, the Team Leader (Development Management) explained that:

- If this application were to be approved there would be a nett loss of two on street parking spaces and Members are to judge from the report if they regard that as significant.
- Cllr Mulheran visited the site and one of those lost on street parking spaces would be accommodated on the current driveway and the other space could park between the dropped kerbs.
- There are a number of properties in that road with two dropped kerbs. The Team Leader (Development Management) explained these were historic applications that were granted. The 2021 NPPF and 2014 Core Strategy along with the Planning Practice Guidance is different guidance from 2014 when other properties gained and were granted planning permission for a dropped kerb.
- With regards to the loss of soft landscaping and biodiversity that has already happened and the applicant could remove those bushes without applying for permission. If the works were not in connection with a driveway.
- The Vice Chair asked if the applicant was not a Councillor would this application be called in and the Team Leader (Development Management) explained the application would have likely to have been delegated but all Councillor applications are determined at Planning Committee.

The Committee heard the views of a public speaker in favour of the application. Following the address by the public speaker, Members had their questions answered:

- There have been changes to Echo Square and there is now no entry to Cross Lane East from the east and most drivers assume it is a one way street which it is not and drive very fast. If an additional dropped kerb was positioned on the other side of the driveway it would improve the safety aspect of leaving the property and would increase the visibility splays.
- The applicant explained they always reversed onto their driveway as it would be too dangerous to reverse straight out onto the road.
- The Chair confirmed that the primary reason for this application seemed to be centred on improving safety of pedestrians and the applicant. If you increase the visibility, there is far greater time to act.
- The applicant did not wish to reduce the greenery at the front of the property but required better visibility. The bushes that were removed have been replanted in the back garden.

The Committee heard from Cllr Tony Rana, a Ward Councillor for Whitehall who was in favour of this application.

Cllr Tony Rana had noticed that there are several double driveway properties in the Ward. The area is very busy and traffic levels are very high especially as Cross Lane is one of the main arteries in Gravesend along with Sun Lane, Whitehall Road and Parrock Road.

There are quite a few residents in the area that have complained about the volume of traffic, damage to their vehicles and cars parking on the pavements and Cllr Rana is in favour of off-street parking which protects the owners, pedestrians and their vehicles.

This additional dropped kerb would be beneficial as it would take at least one more car off the street. Cross Lane East is a two-way road rather than one way.

The Chair reminded the Committee that if they were to approve this application, the applicant would still need to submit an application to Kent County Council to gain permission for a dropped kerb. It would be a separate consideration for KCC.

The Team Leader (Development Management) fielded questions from Members and the following discussions were had:

- Members discussed the soft landscaping and biodiversity and would this have an impact on the additional dropped kerb. Members thought that removing soft landscaping would improve visibility. Other neighbouring properties do not have extensive greenery and hedges do not require permission to cut down.
- To increase the size of the driveway could be beneficial in the future if an electric charger were installed.
- Although Members can make a decision of what is front of them, the ultimate decision lies with Kent County Council for agreeing a dropped kerb.
- The Team Leader (Development Management) reminded Members that in the NPPF and Core Strategy a big policy change regarding biodiversity has happened since 2014 and Members have to decide if they are happy with the biodiversity net loss.
- The Assistant Director (Planning) confirmed the biodiversity impact that was mandated in 2019 will become mandatory in 2023 and a full survey will be conducted. As the works were completed before this the fact that the bushes were removed and replanted into the back garden would not be enough evidence.
- The Assistant Director (Planning) reminded Members that although the Gravesham Highways Officer did not find any reasons to refuse this application, Kent County Council highlighted concerns, particularly, in relation to the secondary vehicles access to the site where one already exists. If Members felt that materially and from the representations that approving this application would significantly improve the highway safety Members should be minded to approve this application.
- Members discussed the safety of pedestrians, road users, the applicant and highways safety issues.
- The Vice Chair recommended from his own personal experience of the road he had heard enough to help satisfy this application should be approved with conditions. Kent County Council would then make the final decision. This was seconded by the Chair.
- The Team Leader (Development Management) reminded Members that conditions would need to be added if they were to approve this application.
- The Chair agreed and thought there should be some dialogue with the applicant about the agreed landscaping scheme. The Chair would also want to include a condition that states that the original driveway is not blocked off.

Resolved that the application be **APPROVED** Planning Permission with the following conditions:

1. Approved Plans
2. Soft Landscaping scheme
3. Vehicular Crossover / Dropped Kerb Installation.
4. No gates are to be installed on this driveway.

Approved: 7 Members

Abstention: 1 Member

Cllr Morton was not present for this presentation and, therefore, did not vote.

Note: (a) John Caller (Applicant – in favour) addressed the Committee.
(b) Ward Councillor Tony Rana spoke with the leave of the Chair

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

A copy of the schedule has been placed in the democracy web library and also in the Reception, Civic Centre: - <http://bit.ly/1Uwy6bJ>.

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

There is no any other business.

Close of meeting

The meeting ended at 9.02 pm

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