

## Planning Committee

Wednesday, 29 September 2021

7.00 pm

### Present:

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

Councillors:        Brian Francis  
                         Gary Harding  
                         Samir Jassal  
                         Bob Lane  
                         Elizabeth Mulheran  
                         Shane Mochrie-Cox  
                         Tony Rice

Laura Caiels            Principal Lawyer - Place Team  
Shazad Ghani          Service Manager (Planning)  
Faye Hobbs            Team Leader (Development Management)  
Ben Clarke             Committee Services Officer (Minutes)  
Julie Francis-Beard    Committee Services Officer (Minutes)

### 23. Apologies for absence

An apology for absence was received from Cllr Emma Morley and Cllr Shane Mochrie-Cox attended as her substitute.

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

The minutes of the meeting of the Planning Committee held on Wednesday, 1 September 2021 were agreed and signed by the Chair.

### 25. Declarations of Interest

Cllr Craske declared an interest in Item 5A – 20210791 6 Sheppy Place, Gravesend Kent as the person living next door to this application was a close friend. Cllr Craske agreed to leave the meeting for the duration of the item.

Cllr Brian Sangha made a voluntary announcement of an other interest in relation to application reference 20210791 as he was a Ward Councillor for Pelham. He advised that he had no previous involvement in the application and there had been no pre-determination on this matter.

### 26. Planning applications for determination by the Committee

#### 26.1 20210791 - 6 Sheppy Place, Gravesend DA12 1BT

The Vice-Chair left the meeting for the duration of this item.

The Committee considered application reference 20210791 in relation to land at 6 Sheppy Place, Gravesend DA12 1BT. The application was for the construction of a side wall between no.6 and no.5 Sheppey Place.

The Team Leader (Development Management) introduced application 5a to the Committee and highlighted key points from the report.

The Committee were informed that the recommendation from Planning Officers was for Members to approve the application with conditions as the proposed wall, subject to a condition relating to the use of materials, was considered to preserve the appearance and character of the Conservation Area and therefore accorded with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, saved Policy TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2021.

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

- Planning Officers did not have the measurement of the wall from the property side of number 5 Sheppy Place; the measurement shown was from the property side of number 6 Sheppy Place. There was not a significant drop between the two properties
- The homeowner could erect a two-metre fence without planning permission under permitted development rights which was 20cm higher than the proposed 1.8 metre wall in the application behind the front wall of the property.
- The proposed wall would be built fully within the red line boundary of number 6 Sheppy Place which was satisfactory and the existing boundary between no.s 5 and 6 Sheppy place would be untouched. Any damage to the property at number 5 following the building of the proposed wall would be a civil matter between the two property owners
- In regards to the objections received on page 13, item 5.2 and the fact that the entrance would be darker, especially at night, the Team Leader (Development Management) explained that there was no requirement to contact Kent Police as the distance from the highway to the front door would not require clarification.
- During the first submission of the application, a close boarded wooden fence was proposed but following officer assessment it was deemed inappropriate given the conservation area. Following consultation with the conservation architect, he recommended a suitable brick wall instead and advised of the preferred type of brick to be used. Once the applicant agreed to the change, the proposed wall was considered to have addressed concerns from neighbours, the service, and the conservation architect. There wasn't a need to re-consult on the change of material
- Part of condition three specified that the wall had to have a plain brick edge and the conservation architect was specific on simple design
- The proposed wall would be as close to the red line boundary as possible so there would not be a significant visual gap between the boundary lines after the hedgerow was removed and the wall built

In item 5.10, page 15 the report mentioned there was a door in the side elevation of no.5 and this is a solid door with a fan light. The question was raised if it was a clear door, would it make a difference? The Team Leader (Development Management) explained that the glass had limited significance due to the door serving a non habitable space (hallway) rather than a habitable space such as a living room or bedroom

The Committee heard from Cllr Baljit Hayre, a Ward Councillor, who spoke on behalf of his fellow Ward Councillor, Jenny Wallace.

Cllr Jenny Wallace had referred the application to this Committee due to concerns regarding the impact on the Conservation Area. The original application was for a wooden fence to be erected but during the process concerns were raised by Officers regarding the use of materials and the applicant responded by proposing a wall and all materials were discussed. Cllr Hayre concluded his presentation advising Members that he was happy with the revised materials proposed and urged the Committee to consider the application in its revised format. Cllr Hayre also asked that conditions be added in respect of the materials used to construct the wall and the location of the proposed wall.

The following points were raised during discussion on this application:

- Following a concern about the size of the wall and the fact that part of the wall is likely to exceed 1.8m due to the different land levels, possibly even 2.3m looking at the photographs, it was agreed it would be difficult to make a decision about this application without correct dimensions provided by the Planning Team. The Service Manager (Planning) explained that all permitted development measurements were calculated from the ground level from no.6 and not no.5 Sheppy Place and therefore a fence under permitted development would always appear higher to no. 5 Sheppy Place. The bottom of the conifers indicate the ground level of no.6 Sheppy Place.
- If the height of wall was actually higher than anticipated, it could have a detrimental environmental impact and safety concerns which may need to be addressed.
- The Committee discussed the proposed wall and the fact that the shrubbery and conifers at no.6 Sheppy Place would be removed. There were currently no restrictions on planting hedgerows or height restriction. If any future issue occurred due to the height of the hedgerow it would be a civil matter between neighbours, resolved through the Anti-Social Behaviour Act 2003 – Part 8 – High Hedges
- Options regarding the outcome of this application were discussed – to defer the application to look at dimensions of the height of the wall and also explore how far the doorway was down the alley and consider if there were any safety issues involved.

The Chair proposed that the application be deferred until the next Planning Committee to determine the application and allow for additional information to be sought regarding specific dimensions around the distance from the highway to the doorways and the different land levels between no.5 and no.6 Sheppy Place. Cllr Lane seconded that the motion; the motion passed with two abstentions received from Cllr Rice and Cllr Francis.

**Resolved** that application 20210791 be DEFERRED by one meeting cycle to allow officers to gather further measurements for the proposed wall from the adjacent property and the dimensions of the distance from the highway to the front doors.

Note: (a) Ward Cllr Hayre addressed the Committee.

## **26.2 20210738 - 93 Rochester Road Gravesend Kent DA12 2HU**

The Committee welcomed back the Vice-Chair to the meeting.

This application was withdrawn.

The Chair apologised to Members for the late notice received regarding the withdrawal of the item and asked officers to bear in mind that Members spent time reading the reports and performing site visits for the Planning Committee meeting.

The Service Manager (Planning Development) apologised to the Committee and assured Members that they would be notified of any future withdrawal of items from Planning Committee agendas as soon as possible.

### **26.3 20210634 - 28 Tennyson Walk, Northfleet DA11 8LR**

The Chair gave permission for Cllr Jordan Meade to speak on behalf of the Ward Councillor, Cllr Emma Elliot who was unable to attend.

The Committee considered the application 20210634 in relation to 28 Tennyson Walk, Northfleet, DA11 8LR. The application was for the erection of a single storey rear extension and erection of a new two storey house attached to the side of the existing dwelling.

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

The Committee were informed that the recommendation from Planning Officers was for Members to refuse the application as it would be a cramped form of development, it was out of character with the surrounding area; insufficient amenity space remaining for the existing dwelling at 28 Tennyson Walk; and a lack of ecological mitigation.

The Chair thanked the officers for a detailed report.

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:

- The agent responded to the Committee and informed them that pre-planning had not taken place and no engagement with local residents regarding the plans had been undertaken.
- It was noted that the garden would not meet the minimum requirements for a four-bedroom property as the useable garden measured approximately 92sqm and the recommendation was for 100sqm
- The applicant disagreed with the measurements given by the Planning Team as their measurements did not include the side garden whereas the agents measurement took the side garden into account. It should also be noted that it was more like a three-bedroom house as the fourth room was very small; when considered as a three bedroom property the garden would easily meet the requirements of 60 square metres

The Committee heard from Cllr Jordan Meade on behalf of Cllr Emma Elliott, a Ward Councillor with the leave of the Chair.

This was the 3<sup>rd</sup> attempt to develop this piece of land and if passed it would be a cramped void with insufficient amenity space. There were strong oppositions to this development including being out of character for the local area and would cause a blind corner. Speaking to local residents, many would be happy for a single storey dwelling to be erected but not a two-storey dwelling.

Policy CS12 of the Gravesham Local Plan Core Strategy stated that there would be no net loss of biodiversity and that opportunities to enhance and maintain habitats be sought. This development would see the loss of a well vegetated area and no landscaping had been submitted. Cllr Meade requested that that the Committee look at including conditions regarding those points.

The current application regarding Policy CS19 to safeguard privacy, the first-floor bedroom was significantly less than the 26 meters minimum privacy distance. The windows had now been designed with obscure glass but Cllr Meade raised concern as to whether or not the windows could be opened.

The Team Leader (Development Management) fielded questions from Members and explained that:

- Paragraph 6.44 of the report explained the bio-diversity issue and the service was satisfied that if the Committee were minded to agree to the application, then suitable planning conditions could be added to ensure there was no net loss of bio-diversity. Due to that, the loss of biodiversity did not form the reason for refusal. Adding conditions for biodiversity as part of soft landscaping is normal procedure if it was determined that it could be achieved and not excessive overdevelopment
- If the Committee were minded to permit the application then officers could remove certain permitted development rights for new dwellings. The Team Leader (Development Management) explained certain rights such as Class A could be removed from Permitted Development. Subdividing bedrooms doesn't come under the planning remit and therefore would not be controllable within the powers of Planning
- Officers could restrict permitted development such as dormers in the roof space along with a range of other permitted development rights that could be discussed, but it would be considered unreasonable to remove them all. Planning Officers consulted with GBC's Highways Engineer and he was satisfied that visibility would not be impacted from the proposed dwelling, he advised there were no road safety issues for parking as well. The current arrangement for rear parking would be enlarged so that a tandem parking arrangement would be in conjunction with the existing garage
- In response to a question concerning other developments happening in the surrounding area, the Team Leader (Development Management) explained that they were most likely extensions whereas this was simply an extension; it was a new dwelling and considered differently as new dwellings require additional considerations compared to extensions such as adequate garden size and parking. An extension on the proposed site would be more acceptable than a new dwelling
- The garden area where the proposed new dwelling would be sited is considered an important green space which was considered to be important in keeping the open character of the area

The Chair thanked the registered speaker, Cllr Meade and the officers for the detailed report.

The Vice Chair recommended refusal of the application with the reasons given and Cllr Mochrie-Cox seconded this.

**Resolved** that the application be REFUSED Planning Permission (unanimous)

Note: (a) Mr Peter Swain (Agent – in favour) addressed the Committee.

(b) Cllr Jordan Meade spoke with the leave of the Chair.

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

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

**Close of meeting**

The meeting ended at 8.22 pm