

Planning Committee

Wednesday, 2 March 2022

7.00 pm

Present:

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

Councillors: Brian Francis
 Gary Harding
 Samir Jassal
 Bob Lane
 Emma Morley
 Elizabeth Mulheran
 Tony Rice

Note: Cllr Lee Croxton, Baljit Hayre, Lenny Rolles and Jenny Wallace were also in attendance

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

44. Apologies for absence

No apologies for absence were received.

45. To sign the Minutes of the previous meeting

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

46. Declarations of Interest

Cllr Rice declared a pecuniary interest in item 5b, G and M Motors, as he is a Director of Rosherville and one of their operating services (Rosherville Vehicle Servicing Limited) provides Vehicle Servicing and MOT services. Cllr Rice left the meeting during the discussion and voting on this item.

Cllr Craske declared an other interest as he is a customer of G and M Motors but he informed the Committee that this would not have any effect on the decision.

47. Planning applications for determination by the Committee

47.1 20211529 - 25 The Avenue, Gravesend, Kent, DA11 0NA

The Chair announced that although he is a Pelham Ward Councillor he had not had any

involvement in this application and therefore had an open mind in the determination.

The Committee considered 20211529 in relation to 25 The Avenue, Gravesend, Kent, DA11 0NA. The application is for the change of use from dwelling house to a 9 bedroom house of multiple occupation (HMO).

The Team Leader (Development Management) introduced application 20211529 to the Committee and highlighted key points from the report.

- The site lies close to the town centre in a mixed residential area, and in the Pelham Road / The Avenue Conservation Area. The property is one of a group of large semi-detached houses of identical design. The area is mainly residential but includes a mix of residential uses, including supported accommodation, flats and bedsits and other HMOs.
- In terms of the existing HMOs, no recent planning permission have been granted, although there are historic permissions from late 80s and 90s:
 - Number 15 – share house since 1992
 - Number 4 – granted to use as bedsits in 1986
 - Number 5 – deemed lawful in 2007 through passage of time it was operating.
- Due to the size of the property, its sustainable location and the existing mixed residential use of the area, an HMO use is considered appropriate for this site and complies with the requirements of saved Policy H5 of the 1994 Local Plan and Policy CS14 of the 2014 Core Strategy.
- A previous application for an 11-bedroom HMO at the property was recently refused by the Planning Committee in November 2021. The first refusal grounds related to the proposed development failing to comply with the Council's HMO Amenity Standards guidance, particularly in relation to unacceptable living and bedroom spaces, and the failure to provide a high standard of amenity for future users. The second refusal related to the lack of a SAMMS contribution. The current application proposes a 9 (single) bedroom HMO, with an increased kitchen / dining / sitting space provision. A SAMMS contribution agreement has also been signed and the appropriate tariff paid.
- There are no external alterations to the building and the front and rear gardens will be retained as existing.
- The proposal is considered to preserve the character and appearance of the application site and surrounding Conservation Area.
- The site had permission last year for a single storey rear extension, which will now be used to provide a bedroom and part of the communal space.
- On the ground floor, there will be 3 bedrooms with a shared kitchen / dining / sitting space and two separate WC / shower rooms.
- On the first floor there are three further bedrooms together with a communal room and separate bathroom and WC / shower room.
- There will be three further bedrooms in the roof space of the house.
- The main concern with the previous proposal related to the impact on the amenity of the future occupiers of the HMO. The Council has a Guidance to Amenity Standards document that is intended to assist in the provision of accommodation in HMOs that contributes to a safe and healthy environment for occupants and visitors. The guidance includes minimum bedroom sizes, which must be met to comply with the requirements on HMO licenses.
- The current proposal now meets the minimum bedroom requirement for a single occupied room of 6.5m² with all rooms being in excess of 10m² with the exception of

- one room which is 8.6m² but still exceeds the minimum size of 6.5m².
- The size of the kitchen / dining space is over the required minimum standard of 29m² for a 9-bedroom HMO. In addition, there will be mechanical ventilation in all bath / shower rooms and sufficient wash hand basins for 9 occupants.
 - Refuse storage is also included.
 - Other planning considerations include issues of neighbour amenity, though concerns on this matter were not previously considered to be significant enough to warrant a refusal on this basis.
 - As no external changes are proposed, there are no adverse impacts on light or privacy for neighbouring properties.
 - Noise and disturbance – there is no evidence that substantial or sustained levels of harm would result from the proposal. The proposed number of occupants has now been reduced which would further lesson any impact.
 - A condition was suggested to include various recommendations from Kent Police in order to help reduce any potential crime at the property, including access control, lighting, alarms and fire / security certified doors.
 - Parking concerns have been raised but given the accessibility of the site to public transport and town centre services and facilities, there is no parking requirements for the proposal. Provision for 3 bicycles can be made in the rear garden and will be secured via condition.

The Chair thanked the Officers for a detailed report.

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

- There are currently two supported care homes in close proximity to this application, flats and bedsits are located at number 4 and 17 and other HMOs are located at 5 and 15. As discussed earlier there have been no recent planning permissions issued for other HMOs in The Avenue.
- Regarding anti-social behaviour, Kent Police commented in the report that “the potential for ASB, nuisance and conflict is significant”. As this comment is not included in the 10 points that Kent Police feel should be part of the conditions, then the anti-social issues could be overcome.
- There have been similar applications in Gravesham which has used this approach but of those application, none have been of this size.
- There is no policy on how many HMOs or clustering can be in one area.

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

- The Chair asked if there would be a resident manager on site to regulate the property and tenants. The applicant explained there would not be someone on site 24/7 but the applicant would be regularly visiting the property.
- The applicant explained that written in the tenancy agreement if there was any anti-social behaviour the tenancy would be immediately terminated.
- The applicant informed the Committee that they had attended a course on how to manage anti-social behaviour.
- The applicant explained that as they would be attending the property on a regular basis there would be no potential for disaster with more people staying overnight than the stated 9 people.

- Following a question from Cllr Rice as to whether the subject of anti-social behaviour would be a material planning consideration or a licensing issuing, the Team Leader (Development Management) explained that the council has a duty to consult important consultees that could provide important consultation or any concerns. With planning applications of a similar nature, the council normally addresses anti-social behaviour within the planning remit via conditions. It is important to note that the council can control that this property, if approved, will have 9 single rooms which equates to 9 people and a condition has been submitted for that.
- The HMO is not a care facility or assisted living so would not require someone on duty at all times. These are rooms that are rented rather than self-contained independent living normally on a short term lease.
- The Principal Lawyer – Place Team confirmed that only some things can be controlled via planning conditions. If there were anti-social behaviour issues the Police would need to be contacted.
- The applicant confirmed that the advertisement for the property and tenancy agreement would state no parking facilities. Being so close to the town centre or train station there is no requirement for the occupants to have their own vehicles and the applicants will vet those that apply to live in the HMO.

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

- This property would not contribute to Gravesham's housing targets as it is 1 dwelling not 9.
- The report states there will be a requirement for sufficient storage.
- The Team Leader (Development Management) confirmed that the bedroom sizes were the same size as the previous application but this application states single occupancy whereas the previous application did not specify single or double occupancy. The minimum size for a single person is 6.5m² and the smallest room in this application is 8.6m².
- The objector confirmed there had been no engagement with the applicant about this application after the previous refusal.

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

- Following a question from Cllr Mulheran as to whether this development would have an adverse effect on community cohesion, the objector confirmed she felt it would.
- The objector confirmed that although she had been into the property no discussion about the application had taken place.

The Committee heard from Cllr Baljit Hayre, a Ward Councillor for Pelham Ward and his concerns were for the occupants and future occupants of this property. Cllr Hayre felt there is not sufficient hand basins or personal washing facilities in the property and the second floor currently has no WC or bathroom. The communal area is too small at 6.7m² and what would the effect of additional parking, anti-social behaviour and the extra strain on local amenities have on the local residents.

The Committee heard from Cllr Jenny Wallace, a Ward Councillor for Pelham Ward and is against this application. Cllr Wallace is concerned about who will live in this property. For the private sector Gravesham Borough Council Housing Department statutory responsibilities are

to ensure there are good standards in the properties for tenants and also licensing. The property is owned by a local private landlord and is rented to DMC Health Care Services who currently have a contract with Kent County Council's Social Services. There have been a number of disturbances and anti-social behaviour incidents at 25 The Avenue with the police being called. Carers are visiting a tenant at the property on a regular basis during each 24 hr period, these carers have been parking without permits and it is a residents parking permit area. Rubbish is frequently left outside the property. The council are not in a position to determine who can live in this property but surely the landlord must have a responsibility to local residents and neighbours, but this is currently not happening.

The Service Manager (Planning) confirmed that matters related to the current tenant are not material planning considerations.

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

- Although anti-social behaviour could be an issue, Members agreed they would consider what was in the report to make their decision and not be influenced on hypothetical people moving into the property.
- Members asked if there were valid grounds for refusal and could that decision be overturned if it went to an appeal. The Team Leader (Development Management) explained as Officers have recommended approval with conditions, the application is compliant. It would be difficult to respond until the specific grounds of refusal were discussed. If the decision was refused against development policy, there would be an opportunity to appeal but the reasons of refusal would need to be as clear as possible.
- Cllr Mulheran expressed concerns on the poor standards for future occupants with a lack of washing facilities. Confirmation from Gravesham's Housing Improvement Officer was that the wash hand basins were stated as adequate.
- The Principal Lawyer – Place Team confirmed that only 9 people could live in this property as stated in the conditions.
- Following a question from Cllr Rice – when it gets to community cohesion how does that overlay when there are a number of HMO's in the area and Gravesham has no policy regarding the density of HMOs. How will this affect the local services and at what point would that cross over into CS1 sustainable development. The Team Leader (Development Management) confirmed Gravesham have no policy on the number of HMOs in one specific area. Each case and the different uses is looked at within the specific area and the council does not consider this proposal as a concentration of HMOs within the area.
- If the number of occupants did increase the planning permission would be in breach and Planning Enforcement would be able to take enforcement action if they considered that it would be appropriate. An amendment to the application would be required to amend the numbers and then there would be issue with undersized rooms.
- If planning permission was granted, the applicant would then need to apply for a HMO license.
- The Service Manager (Planning) confirmed that planning permission stays with the land/property, whilst the HMO license sits with a landlord.

The Chair summarised the application and raised concerns regarding community cohesion and anti-social behaviour, these concerns were echoed by other Members of the Committee.

The Vice Chair recommended approval and was seconded by Cllr Lane.

The Chair thanked the registered speakers, Ward Councillors and the Officers for the detailed report.

Resolved that application 2021529 be **APPROVED** with conditions:

Conditions

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.

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

Heritage Statement;

Design and Access Statement;

Drawing no. 25TA/A3/01 (Site Map and No Change to Elevations);

Drawing no. 25TA/A3/02 (Proposed Ground Floor Plan);

Drawing no. 25TA/A3/03 (Proposed First Floor Plan);

Drawing no. 25TA/A3/04 (Proposed Second Floor Plan);

Drawing no. 25TA/A3/05 (No Change to Block Plan); and

Drawing no. 25TA/A3/06 (Existing Floor Plans).

(All received 10 December 2021)

Application form received 14 December 2021.

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

3. The development hereby approved shall not be occupied until a scheme of cycle storage facilities incorporating 3 cycle parking spaces within a secure and weatherproof enclosure has been submitted to and approved in writing by the Local Planning Authority. These facilities shall be made available for use prior to first occupation of the development hereby approved and retained for use by site users at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014.

4. Prior to the first occupation of the development hereby permitted, details of security for the property to comply with the recommendations of Kent Police in their letter dated 29 January 2022, including access controls, lighting, alarms, and fire/security certified doors, shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: To ensure a safe living environment in the interests of amenity, and in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

5. The approved refuse storage facilities for the development hereby approved shall be

provided prior to the first occupation of the development hereby permitted and shall thereafter shall be retained for such purposes at all times.

Reason: In the interest of amenity and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

6. Notwithstanding the details submitted on the application form and in the approved plans, the number of bedrooms and occupants at the property shall at no time be more than 9.

Reason: To ensure the protection of the residential amenities of occupiers and neighbouring properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy 2014.

7. No more than 2 residents' parking permits shall be sought in relation to the property at 25 The Avenue, Gravesend.

Reason: In the interests of amenity and parking pressures in the area, and in accordance with Policy 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 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.

5 SMOKE CONTROL

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed.

When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk.

6 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 7 It is recommended that appropriate provision should be made for the secure parking of motorcycles at the property, to include at least two spaces, along with an electric charging point for battery powered motorcycles

Refusal: 4 Members

Approved: 5 Members

Note: (a) Mrs Mandeep Dosanjh (in favour) addressed the Committee
(b) Mr Kulbinder Dio (objector) addressed the Committee.
(c) Mrs Julia Davies (objector) addressed the Committee.
(d) Ward Councillor Baljit Hayre spoke with the leave of the Chair Ward Councillor
(e) Ward Councillor Jenny Wallace spoke with the leave of the Chair

47.2 20211309 - G And M Motors 85 Milton Road Gravesend Kent

Cllr Rice left the meeting during the discussion and voting on this item.

The Committee considered 20211309 in relation to G And M Motors 85 Milton Road Gravesend Kent. The application was for outline planning permission with all matters reserved and being for demolition of existing workshop and erection of a single storey building with valet booth, video/photographic studio and parts store together with the laying out of 6 car parking spaces.

The Planning Officer introduced application 20211309 to the Committee and highlighted key points from the report.

- The application site is located to the rear (north) of the site and within the urban area of Gravesend on the outskirts of town. To the east is St Peter and St Paul Church, a Grade 2* Listed Building. The remaining street scene is very mixed.
- The proposed elevations are indicative only. As this is an outline application, details such as design, materials and finish would be dealt with under a later reserved matters application.
- The proposed floor plans are indicative but highlighted the proposed use as the replacement building ancillary to the existing showroom.
- A proposed parking plan showed the outline of the replacement building and the surrounding parking, again this would be assessed under reserved matters.
- Planning balance – in paragraph 11 of the NPPF applies presumption in favour of sustainable development that accord with development plan policies.
- The proposed development supports an existing business and commercial use of the showroom and preserves the character of the area.
- The proposal would accord with local and national policies, in particular Local Plan CS07 which states that particular support will be given to the refurbishment and upgrading of existing commercial premises.

In response to Members questions on the clarification of the application, the Planning Officer

explained that:

- The applicant did not give a reason as to why they were seeking outline planning permission.
- This application is just for a single storey ancillary use to the showroom in comparison to similar applications that have been previously rejected. If they were planning on a two-storey building, a separate planning application would need to be submitted.
- The Chair asked if outline planning applications were frequently used and why they took this route rather than submitting normal planning applications. The Service Manager (Planning) explained that maybe they are seeking approval of use and consent before the applicant spends additional funds on the application.
- The Service Manager (Planning) confirmed that if the Committee did grant permission, they could condition the application under the Scheme of Delegation that the application be brought back to a future Committee.
- Due to the proximity of the railway, the applicant would need to engage with Network Rail as to how they would get construction materials onto site which would not have a detrimental impact on the railway.
- The proposal will incorporate the provision for 6 parking spaces for staff.
- There will be no detrimental impact on the residents of Elm Cottage.
- The actual footprint would be increased by 105m².
- The trees to the north of the site are outside the properties boundary and are currently a buffer created by Network Rail. The Service Manager (Planning) confirmed that those trees are not covered by a tree preservation order and the applicant would be able to cut the trees back to their boundary, if required.

The Committee heard from Cllr Lee Croxton, a Ward Councillor for Riverside Ward. Cllr Croxton's concerns are that as this is for outline planning permission with all matters reserved, the detailed information is not included in this proposal and would be difficult to determine without this information. There have been issues with parking generally in that area and this will increase. This area is one of the densest of housing in the entire borough.

The Committee heard from Cllr Lenny Rolles, who is also a Ward Councillor for Riverside Ward. He reiterated Cllr Croxton's comments about issues regarding parking and there have been complaints with dealership cars being parked on the pavement and with the reduction of spaces this will become an issue. Cllr L Rolles was concerned about the proximity to Elm Cottage and the necessity of outdoor space for those residents and if this development goes close that will be impacted. This site, if outline planning permission was given, parking spaces would be reduced with a serious impact on residents living in that area.

The Chair confirmed that parking and the impact on residents is a material planning consideration.

The Planning Officer confirmed that Gravesham's Highway Officer assessed the outline planning application and highlighted issues with parking. Currently there are no parking restrictions in place but if granted, Condition 4 of the Reserved Matters could be brought to the Committee to provide an opportunity for the management of the parking spaces to be put into place.

Members expressed with the lack of information in the outline planning application they were minded to reject this application. The Service Manager (Planning) clarified that Members would need to refuse the application on specific items.

The Chair and Cllr Mulheran recommended planning permission was not granted due to the impact on highways and the local highway network and this was seconded by Cllr Craske.

Resolved that the application 20211309 for outline planning permission be **REFUSED** on the following ground;

1. The application fails to demonstrate sufficient parking provision to serve the development or re-provision of existing parking provision which would be displaced, without having an unacceptable impact on the surrounding highway network. The proposal is therefore contrary to the requirements of Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy 2014 and the provisions of Section 9 (Promoting Sustainable Transport) of the National Planning Policy Framework 2021.

Refusal: Unanimous
Cllr Rice was not present for this item and, therefore, not voting

Note: (a) Ward Councillor Lee Croxton spoke with the leave of the Chair
(b) Ward Councillor Lenny Rolles spoke with the leave of the Chair

48. 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.

49. 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 other business.

Close of meeting

The meeting ended at 9.15pm.