

## Planning Committee

Wednesday, 23 November 2022

7.00 pm

### Present:

Cllr Brian Sangha (Chair)  
Cllr Emma Morley (Acting Vice-Chair)

Councillors: Brian Francis  
Bob Lane  
Emma Morley  
Elizabeth Mulheran  
Tony Rice  
Leslie Hills  
Leslie Hoskins  
Tony Rana

**Note:** Councillors Ejaz Aslam, John Burden, Sarah Gow, Jordan Meade and Diane Morton were in attendance.

Shazad Ghani	Service Manager (Planning)
Richard Hart	Team Leader (Development Management)
Faye Hobbs	Team Leader (Development Management)
Amanda Grout	Senior Planner (Development Management)
Ethan Bonthron	Career Grade Planner
Laura Caiels	Principal Lawyer (Place Team)
Carlie Simmonds	Committee Service Manager
Karen Gingles	Committee Service Officer (Minutes)

### 34. Apologies for absence

Apologies for absence were received from Cllrs Harold Craske, Gary Harding and Samir Jassal. Cllrs Leslie Hills, Leslie Hoskins and Tony Rana attended as their substitutes.

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

The minutes of the meeting held on Wednesday 26 October 2022 were signed by the Chair.

### 36. Declarations of Interest

No declarations of interest were made.

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

### 38. Order of Agenda

The Chair stated that he would deal with the planning applications in the following order:

- 20221062 - Carl Ekman House, Tooley Street, Northfleet
- 20220594 - The Amazon and Tiger, Harvel Street, Meopham
- 20220839 - Cobham Lodge, Valley Drive, Gravesend

### 39. 20221062 - Carl Ekman House, Tooley Street, Northfleet, Gravesend, Kent

The Committee considered application 20221062 - Carl Ekman House, Tooley Street, Northfleet. The application was for the construction of a front lobby area with canopy and new communal front entrance doors to include the redecoration of railings. The Planning Officer informed Members that this application was for a Council property and therefore needed to be determined by the Committee in the public domain.

The Planning Officer gave an overview on recent changes that had been made to the external fabric of the building and advised Members that the flats were built in the late 1960s and located in the urban area of Northfleet. The existing block of flats consisted of 52 dwelling and was 14 storeys high.

The Committee were informed that the proposed lobby extension would be 2.5 metres high, 4.18 metres wide and have a depth of 6.5 metres. The Planning Officer advised that the proposed lobby canopy would be finished in black metal with the extension housing a glazed entrance, with three skylights to offer additional light into the lobby area. Members were also notified that as part of the works, the Council would also provide some external improvements; painting of railings, re-tarmacking of the exterior ground and installation of benches. The Planning Officer expressed that the improvements of the proposal would significantly improve the appearance of the building and the character of the street scene.

The recommendation was for approval subject to conditions.

The Committee felt that the proposal was a positive improvement for the flats and queried whether there would be security lighting provided in the new lobby extension. The Planning Officer advised this could be a condition of approval. It was also mentioned by the Chair that consideration should be given to the type of exterior benches provided, they should offer back support for the elderly, be secure and resistant to vandalism. The Planning Officer advised that this could also be a condition of approval.

**Resolved** that application 20220659 be delegated to the Chair, Vice Chair and Service Manager for **APPROVAL** subject to conditions as set out in the report with further conditions relating to details of external lighting and benches.

### 39.1 20220594 - The Amazon and Tiger, Harvel Street, Meopham

The Committee was presented with application 20220594 - The Amazon and Tiger, Harvel Street, Meopham. The proposal related to a two-storey side extension to the pub that was granted as a Bed & Breakfast ancillary to the use of the public house in March 2015. As the Public House was currently closed, it was not possible to operate the B&B ancillary to the Public House. The applicants were therefore applying for a Section 73 application to vary condition 4 of the previously permitted application 20140008, so the B&B use was no longer ancillary to the Public House.

Members were informed that the Public House ceased operation in April 2021 and the B&B ceased operation in October 2021.

The Planning Officer informed the Committee that the site was located in the Green Belt and the Harvel Wooded Downs Landscape Character Area. Members were advised that the variation of the condition would not result in any external alterations to the building and therefore would have no detrimental impact on the character and appearance of the street scene, surrounding landscape or openness of the Green Belt.

The Planning Officer advised Members that, as this application was a Section 73 application, only issues relating to the variation of condition 4 could be considered and no other matters pertaining to the original application, or the wider site could be considered by the Committee.

The recommendation was for approval subject to conditions.

The Committee was invited to ask questions for clarification and raised the following:

- Members queried what was meant by the term 'ancillary to the public house' and whether there would be the option for the public house to open and operate as a pub in the future. The Planning Officer explained that when the previous planning permission was granted in 2015, it was to operate as a public house with the B&B as an ancillary operation. Now the public house was closed the B&B was not allowed to operate as it was no longer ancillary to the pub. However, the proposed change to the condition would not prevent the Public House from reopening in future.
- Further clarification was sought from Members as to whether the building would become residential or part residential, by removing the fact it was ancillary to the public house. The Planning Officer confirmed that with the existing permission, the B&B was not permitted to operate if the pub was closed and not active. The proprietor now wanted to solely run the B&B whilst the pub was not in operation. The Service Manager (Planning) assured the Committee that any changes to convert the B&B to a residential dwelling would require a planning application to be submitted to the Council, as the proprietor would have to apply for change of use. By agreeing that the B&B was no longer ancillary to the Public House it would mean that the B&B could operate on its own with the option to re-open the pub remaining.

The Service Manager (Planning) went on to say that the original condition in the permission, granted previously, stated that the ancillary B&B should not be a

separate entity. If the Section 73 application was agreed (that the B&B use was no longer ancillary to the Public House), under the proposed new condition, the B&B could not be separated from the public house and sold or rented for another purpose.

The Committee heard the views of the registered speakers against the application. Following questions from Members, the speakers informed the Committee that they were concerned that if permission was granted it would give the proprietor ammunition to sell the property as the new proposed permission would make the property easier to sell to developers. The speakers felt that a B&B would not be viable in Harvel without the pub element, as there were no other pubs or restaurants in the vicinity.

The Committee heard the views of Cllr Ejaz Alsam, Ward Councillor for Meopham South and Vigo.

Following discussion, the following points were raised:

- Members observed that sadly nationally a lot of public houses were closing and having to diversify or face going out of business. It was mentioned that there was still the facility of a bar in the vicinity at the local cricket club.
- Whether the B&B could run as a viable business without the pub. The Planning Officer reiterated that only issues relating to the variation of condition 4 could be considered and no other matters pertaining to the original application, or the wider site could be considered by the Committee.
- Members pointed out that the local residents had concerns that if the B&B was no longer ancillary to the public house, what the future would hold in relation to the site and felt assurance must be given, that safeguards were in place from a planning perspective. The Service Manager (Planning) reiterated that there was a condition to the application that stated that the B&B could not be separated from the public house and sold/rented. The Council as the Local Planning Authority would need to utilise its powers to monitor and enforce the condition as appropriate.
- It was pointed out that the public house had been a viable business but the Landlord had chosen to retire and this may be why the choice was made to solely operate as a B&B.
- The Chair observed that if the application was not agreed then this would deprive the local rural area of a leisure and B&B facility. Under the revised condition, the local authority would have control of any future use, so there was protection in place. The variation of the condition ensured that the public house could be reopened in its entirety in the future if the proprietor so wished.

**Resolved** that application 20220594 be **APPROVED** subject to planning conditions.

### 39.2 20220839 - Cobham Lodge, Valley Drive, Gravesend

The Committee considered application 20220839 – Cobham Lodge, Valley Drive, Gravesend. This was for the following:

- conversion of the existing house into to 10no. flats including side and rear extension and loft conversion;
- conversion of rear annex building to 2no. dwelling houses including proposed new dormers;
- construction of new apartment building to form 11no.new apartments; and
- construction of 8no. semi-detached and 1no.detached houses and associated development.

The Chair confirmed that since the report had been published for presentation, a new document had been received the day prior to the meeting but advised the Committee that this should not be taken into consideration as it was received at such a late date. However, the information received raised no new material planning considerations.

The Planning Officer advised Members that consultee comments from KCC as Lead Local Flood Authority had been received following their review of the Surface Water Management Strategy with no objections raised. In relation to public responses received on this application, there had been 416 objections and 118 in favour of the proposed development. The Committee were also advised that some comments against the application had been withdrawn.

The Planning Officer informed the Committee that there had been a previous application for the site that was refused in January 2020. Following the refusal, the applicant had worked with a new architect and engaged with the Planning Department with a pre-application enquiry prior to submitting the application that was before Members.

The Planning Officer presented the findings from the proposed unit size assessment outlined in the report and advised that in the most part these met the standards required, with exception to flats A.1, A.4, A.5 and A.8 which fell short of the minimum gross internal floor area, however the individual room sizes, as well as the provision of storage accorded with the standards, and would provide a good level of accommodation.

It was noted that the proposed plans offered two pocket parks, offering community space for the residents. These open spaces also mitigated the shortfall of open space provided with the units. Members were advised that the rear eastern side of the plot fell within green belt. There were a number of trees within the site with Tree Preservation Orders (TPO).

The Planning Officer highlighted that the proposed development would provide 31 additional new homes within Gravesham, therefore offering a significant contribution towards the local need for housing and should be accorded significant weight.

The proposed development was deemed to be a sustainable form of development that accorded with national and local planning policy, apart from in relation to the delivery of affordable housing as it was not deemed financially viable. However, the applicant had confirmed they would as part of the Section 106 agreement, agree to undertake a review of the viability of the scheme to ascertain if it was possible to make financial contributions towards affordable housing elsewhere in the borough.

It was recommended that the application be approved subject to a Section 106 Agreement and planning conditions as set out in the report.

Members were invited to ask questions for clarification and raised the following:

- Members asked for further information regarding the Pathfinder findings set out in the report, and why it was not viable for the applicant to provide affordable housing, as the report indicated that there was sufficient value for both the provision of affordable housing and income for the applicant. The Service Manager (Planning) informed the Committee that the applicant had disagreed with the Pathfinder findings, as their assessment had not taken into consideration the annex which improved the valuation of the property. In addition, since the assessment had been undertaken there had been increased borrowing, building, material and labour costs that had to be taken into consideration. The Service Manager (Planning) informed Members that as part of the Section 106 Agreement, the applicant had agreed to a clawback mechanism, so that if possible, they would contribute towards the delivery of affordable housing elsewhere in the Borough. This clawback would be based on reviewing actual costs and revenues.
- Further clarification was sought regarding room and garden sizes. The Planning Officer confirmed all units met either the National Standards or Gravesham Space Standards guidelines. Most units met the National Standards, with the exception of a few flats which fell short of these, but due to the overall good room sizes, this mitigated the overall size short fall of these particular flats. Gardens were also a short fall but these were considered adequate due to the open space provided through the pocket parks.
- Questions were asked as to why there was unallocated parking within the plans. The Planning Officer advised this was only in the case of flats and explained that after consultation with KCC, it was suggested that unallocated spaces offered flexibility with some residents not having cars. All houses on the proposal would have parking.
- The Chair took a question for clarification from a non-board Member. It was queried how many comments against the application were withdrawn. The Planning Officer advised that 2 were retracted. It was also queried if the notion to claw back funds through a Section 106 Agreement and reallocate the funding for affordable housing elsewhere, had been done previously within the borough. The Service Manager (Planning) informed the Committee this had happened before and most recently at the old cinema site in King Street.

The Committee heard the views of registered speakers for and against the application and had their questions answered.

The Committee heard the views of Councillors Sarah Gow and Diane Morton, Ward Councillors for Singlewell and Councillor Jordan Meade, Ward Councillor for Woodlands.

Following discussion, the Committee raised the following points and concerns:

- Whether it was acceptable to approve this development without the provision of affordable housing and if this was contravening planning policy. Some Members felt the proposed development should have the provision of affordable housing due to the large number of dwellings on the design. The Service Manager (Planning)

explained to Members that the applicant had undertaken a viability assessment that showed the provision of affordable housing being unviable. The Service Manager (Planning) went on to say that the local authority was required by Government to approve applications that were considered unviable financially for affordable housing, as it does not mean the proposed development itself was unviable. The Committee were advised that due to market issues and rise in inflation this would be an issue that would be raised for future developments.

- Members felt the proposed development was overlooking the neighbouring garden and out of character to the area. The Planning Officer informed Members that when looking at the entire area, Sheldon Heights and Watling Court were in the vicinity of Valley Drive and so the proposed flats would not be out of place. With regards to being overlooked, the Planning Officer explained that the flats had been designed with windows looking into the development rather than into neighbouring properties, with the windows on the east side having obscured glazing to minimise the impact of adjacent properties being overlooked.
- Flat sizes were a concern for Members, where some met local standards but fell short on national size standards. The Planning Officer addressed this and informed the Committee that assessment of sizes were based on the bed sizes shown. Therefore, if a unit was designed for 1 person, and had shown a single bed, rather than a double bed as shown, standards would be met both locally and nationally. The Planning Officer advised that this could be addressed via a condition.
- It was noted that there were extensive TPO conditions within the application and it was queried how the trees would be protected during the construction work. The Planning Officer informed Members that there were a number of protected trees on the site, and all would remain. The conditions proposed including the condition on a construction management plan would ensure that no development would occur within the root area of each protected tree.
- There was concern by Members that permitting this application may set a precedence, for back garden developments, leading to overdevelopment. The Planning Officer advised that planning applications were determined on their own merit.

**Resolved** that application 20220839 be **REFUSED** due to the layout of the proposed dwellings and height of Building D (11-unit apartment block situated to the north of the site) being out of keeping with the character of the local built environment and resulting in overdevelopment of the site, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and section 12 of the National Planning Policy Framework (2021).

#### **40. Planning applications determined under delegated powers by the Director (Environment)**

##### **Close of meeting**

The meeting ended at 10.50pm.