

Regulatory Board (Planning)

Wednesday, 22 May 2019

7.00 pm

Present:

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

Councillors: John Burden
 Aaron Elliott
 Brian Francis
 Gary Harding
 Bob Lane
 Jordan Meade
 Brian Sangha

Note: Councillors: Sarah Gow, Baljit Hayre, Nirmal Khabra, Diane Marsh, Lyn Milner, Steve Thompson were also in attendance.

Vicky Nutley	Lawyer (Place) – Medway Council
Wendy Lane	Assistant Director (Planning)
Christopher Butler	Planning Manager (Development Planning)
Mark Lees	Regulatory Services Manager
Richard Hart	Principal Planner (Major Sites)
Ethan Bonthron	Career Grade Planner
Lauren Wallis	Committee Services Officer (minutes)

51. Apologies for absence

An apology for absence was received from Cllr Conrad Broadley and Cllr Aaron Elliott attended as his substitute.

52. To sign the Minutes of the previous meeting

The minutes of the meeting held on 6 March 2019 were signed by the Chair.

53. Declarations of Interest

Cllr Meade declared an other interest in relation to applications 20190126, 20190160 and 20190161 in that he was a resident of the Windmill Hill Conservation Area but advised that he did not live in the roads that were the subject of these applications.

Cllr Craske declared an other interest in relation to application 20190155 as he had previously was the former Cabinet member for Housing and had been consulted on this subject two or three times.

Cllr Craske declared an additional other interest in relation to application 20190155 and the Strategic Access and Mitigation Measures Strategy (SAMMS) contributions.

Cllr Burden declared an other interest in relation to application 20190155 as he was the Leader of the Council and that the Borough Council was the applicant. Cllr Burden advised that he would not speak or vote on this item.

54. To consider whether any items in Part A of the Agenda should be considered in private or the items in Part B (if any) in Public

None.

55. Planning applications for determination by the Board

55.1 20190126 - 44 South Hill Road, Gravesend - Retention of UPVC casement windows on the front elevation and composite front door - report herewith

The Board considered an application reference 20190126 which sought to retain the UPVC windows and composite front door installed, which were considered unacceptable due to their unsympathetic design and adverse impact on the setting of the Windmill Hill Conservation Area. The scheme was contrary to both local and national policy as it failed to preserve or enhance the Conservation Area, but rather caused harm to it. The application was before the Committee at the request of Ward Councillor Steve Thompson.

The following points were made during discussion on this application:

- Concern was expressed on the lack of definitive planning advice on what alterations to properties and their locale could and could not be undertaken in Conservation Areas within the Borough.
- The Board was informed of the Article 4 Directions, introduced to prevent further loss, which only applied to alterations made in properties within Conservation areas after the date of adoption of the Article 4 Direction by the Council.
- The lack of clarity on what was appropriate and what was inappropriate in a Conservation Area.
- The Board was reminded that the personal circumstances of applicants were not a material planning consideration.
- Following a question on enforcement, the Board was advised that enforcement was carried out in a piecemeal way as and when infringements were either noticed by planning officers when undertaking site visits in the

area or when reported by members of the public. It was also highlighted that enforcement in regard of building operations could only generally be carried out within 4 years of the alteration being completed.

- Members were informed that advice on this application had come from the Council's Conservation Architect and this advice stated that this retrospective application caused harm to, and does not preserve or enhance the character of, the Windhill Hill Conservation Area.
- The Planning Manager (Development Management) advised there have been advances in window and door design technology in recent years and these the advice the Council has on its web pages does not currently address these advances. For example, original wooden sash windows used to have to be replaced by single glazed, wooden sash windows. Now it was possible, in certain circumstances, to permitted double glazed UPVC sash design windows, that have a slim-line design. However, the general rule remained that any new installation must look very similar to the original feature it replaced and that such replacements must be considered on a case by case basis, as a modern uPVC window and door design in one location may not be appropriate in an different location. The Planning Manager (Development Management) urged caution when considering alternative window/door design and construction options within conservations areas where an Article 4 Directions had been applied in regard to replacement windows and doors.
- Members noted that the number of properties in the road that still had original features was very low. However, there was quite a high number that had replaced the original windows with sash lookalikes.
- There was a general opinion that since the road contained a diverse set of houses with difference features, little harm had been caused by the alterations to the windows and doors undertaken on the property, as proposed to be regularised by the applicant in the submission of this application.
- A concern was raised that to approve this application might set a precedent for future decisions in relation to Conservation Areas.

Resolved that retrospective application 20190126 be PERMITTED subject to the condition regarding listing drawing numbers, reasons and informatives that will be described in the decision notice issued by the Planning Department and available on the following link:
www.gravesham.gov.uk/planning-search.

- Note: (a) Mr E Shovlar (Applicant)(a supporter) addressed the Board.
(b) Cllr Steve Thompson spoke with the leave of the Chair.

55.2 20190155 - Land at 270-340 Valley Drive, Gravesend - Demolition of four, two-storey existing flat blocks consisting of 36 bedsits, as well as associated outbuildings, enclosures and garage structure; redevelopment of the site to provide two, two and three storey blocks with ancillary structures, associated car parking, landscaping and new access from Valley Drive. The blocks will contain a total of 48 affordable units including 32 x 1 bedroom rented flats for over 55's, as well as 16 general needs flats - report herewith

The Board considered an application reference 20190155 which sought to demolish four 2-storey existing blocks of flats consisting of 36 bedsits, as well as associated outbuildings, enclosures and garage structure, redevelopment of the site to provide two, two and three storey blocks with ancillary structures, associated car parking, landscaping and new access from Valley Drive. The blocks would contain a total of 48 affordable units including 32 x 1 bedroom rented flats for over 55's, as well as 16 general needs flats.

The Principal Planner (Major Sites) advised that the site was on the west side of Valley Drive and had been constructed in the 1960's. The proposed scheme makes efficient use of the land and provides an acceptable layout which the current scheme fails to achieve. Three mature trees would be lost in order to make the most effective use of the site. However, additional planting was proposed to mitigate the loss and would be conditioned. The proposed development has no adverse impact on neighbouring properties and no objections to this application had been received. It was noted that Kent County Council had not provided financial development contributions and the officer recommended a time limit for payment be imposed after which the County Council should be omitted from the legal agreement.

The application was before the Committee because it was a major development proposal and the Local Planning Authority was the applicant.

The following points were made during discussion on this application:

- Following a question on the ratio of the number of parking spaces (42) to the number of flats (48) the officer replied that the site was constrained and had been designed to achieve the most efficient layout and parking had been balanced against the need for amenity space. 32 of the flats would be for the over 55's and previous experience had proved that this older age group were less likely to own a car. There was also a bus stop nearby. There were also bicycle and scooter stores and other storage.
- It was noted that the bedsits on the current site were very cramped and not suitable for the needs of modern living. The new development meets space standards and supplied storage. The ground floor flats had been designed for wheelchair access and the flats above could therefore include a study which could be used as an additional bedroom.
- The lift in the proposed development would be of a good size to accommodate wheelchair users.

- The Board noted that there would be two distinct sites which would be separated by 1.8 metre fencing which would be conditioned.
- Following a question about the maintenance of the soft landscaping, Members were advised that there would be a planning condition for a management plan for the maintenance of the building and the landscaping etc. It was also intended that raised planting beds be included in the scheme to encourage resident involvement.
- The Principal Planner (Major Sites) agreed to consult the Chair and Vice-Chair with regard to the soft landscaping and the type of semi-mature trees.

Resolved that application 20190155 be DELEGATED to the Assistant Direct (Planning) and/or the Planning Manager (Development Planning) to GRANT planning permission subject to:

- 1. Securing the appropriate financial contributions in regard to requests from Kent County Council (KCC), Dartford & Swanley Clinical Commissioning Group and Strategic Access and Mitigation Measures Strategy (SAMMS) tariff prior to the commencement of the development. With regard to KCC contributions this is subject KCC providing up to date financial contribution figures on primary education, secondary education and libraries by 5th June 2019. If no figures are provided the Unilateral Undertaking will proceed without KCC contributions.**
- 2. The imposition of appropriate planning conditions as set out in the supplementary report with an additional pre-occupation condition requiring details of the management plan for the management of communal areas.**

Note: (a) Mrs Sharon Donald (Agent)(a supporter) addressed the Board.
(b) Mr Neill Campbell (Architect)(a supporter) addressed the Board.
(c) Cllr Steve Thompson spoke with the leave of the Chair.

55.3 20190160 and 20190161 - 4 Constitution Crescent, Gravesend - Creation of a vehicular access and associated hardstanding area in the front garden incorporating new garden steps and pathway and associated Listed Building consent - report herewith

The Board considered an application reference 20190160 and 20190161(planning and listed building application) for the creation of a vehicular access and associated hardstanding area in the front garden incorporating new garden steps and pathway.

The Planning Manager (Development Management) advised that this was a Grade 2 listed property that was located in the Windmill Hill Conservation Area. The Council's Management Plan recognised this building as one of the grandest in Gravesham. The Board was asked to consider if the proposal was the proposed development appropriate in relation to the building, wider surrounding streetscene and whether it would be acceptable in terms of highways pedestrian safety issues. The application was before the Committee at the request of Ward Councillor Steve Thompson.

The following points were made during discussion on this application:

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- Whilst the Officer's recommendation for refusal was considered to be solid, the applicant's offer to be advised by the Council's officers and Conservation Architect was also taken into account.
- Members were mindful of the need for green spaces within the Conservation Area and the amenity they provided.
- Should the application be deferred, to enable discussions with the applicant to taken place to see if an appropriate alternative development could be possible, it was confirmed the application would be resubmitted to the Regulatory Board (Planning) for decision.

RESOLVED that a decision on application 20190160 and 20190161 be deferred to a future meeting of the Regulatory Board (Planning) to enable negotiations with the applicant and the Council's Conservation Architect with a view to addressing the concerns raised within the Regulatory Board (Planning) report.

Note: (a) Mr Robert Allen (a supporter) addressed the Board.
(b) Cllr Steve Thompson spoke with the leave of the Chair.

55.4 20190270 - 22 Berkley Road, Gravesend - Retention of white UPVC windows and black wood grain composite front door - report herewith

The Board considered an application reference 20190270 for the retention of white UPVC windows and black wood grain composite front door.

The Planning Manager (Development Management) advised that the property was located on a corner so had two frontages. It was considered that the installation of the white UPVC windows and black wood grain composite front door did not protect or enhance the character and appearance of the King Street Conservation area. The officer advised that of the 27 properties in the road, 8 had their original windows and other alterations to properties had been made pre 2009 – Article 4. The application was before the Committee on the request of Ward Councillors Lyn Milner and Lenny Rolles.

The following points were made during discussion on this application:

- It was noted that many of the original windows in Berkley Road were falling apart to the detriment of the Conservation Area and most properties in the road had UPVC replacement windows.
- Members noted that the applicant stated that he had been advised by an officer of the Planning Enforcement Team that the submission of a retrospective application for the windows and doors would be unlikely to obtain planning permission and would not recommend making such a submission. The applicant also stated that they had been advised by the Planning Enforcement Officer that the windows and doors as installed should

be remove and replaced with something more in keeping with the conservation area. The Ward Councillor considered this advice sounded like pre-determination.

- The lack of clarity and consistency of advice with regard to Conservations area was noted.
- It was considered that the best effort had been made to preserve the original appearance of the property. The officer pointed out differences in the design of the current windows to those which were still original within the streetscene, however, Members did not consider these changes significant enough to cause harm to the character or appearance of the Conservation Area.
- Concern was raised that to approve this application might set a precedent for future decisions in relation to Conservation Areas.
- The Planning Manager (Development Management) advised that a decision to permit may damage the Council's case in appeals against the refusal of similar developments in Conservation Areas where those applications had been refused, although it was noted that the Council had a good record with appeals.

Resolved that retrospective application 220190870 be PERMITTED subject to the condition regarding listing drawing numbers, reasons and informatives that will be described in the decision notice issued by the Planning Department and available on the following link:

www.gravesham.gov.uk/planning-search.

- (a) Mr Matthew Wood (a supporter) addressed the Board.
- (b) Cllr Lyn Milner spoke with the leave of the Chair.

56. Appointment of Appeals Sub-Committee

The Board considered the wishes of the political groups in relation to the appointment of members to the Appeals Sub-Committee.

Resolved that an Appeals Sub-Committee be appointed as shown below:

Labour:

**Cllr Colin Caller (Chair)
Cllr Lyn Milner (Vice-Chair)**

Conservative:

Cllr Gary Harding

57. Appointment of Hackney Carriage Sub-Committee

The Board considered the wishes of the political groups in relation to the appointment of members to the Hackney Carriage Sub-Committee.

Resolved that a Hackney Carriage Sub-Committee be appointed as shown below:

Labour:

**Cllr John Burden(Chair)
Cllr Lauren Sullivan (Vice-
Chair)**

Conservative:

Cllr Jordan Meade

58. Planning applications determined under delegated powers by the Director (Housing & Regeneration)

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

59. Exclusion

Resolved pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded from any items because it is likely in view of the nature of business to be transacted that if members of the public are present during this item, there would be disclosure to them of exempt information as defined in Part 1 of Schedule 12A of the Act.

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

The Regulatory Services Manager provided Members with the information required to enable them to determine what, if any, enforcement action should be taken against a Hackney Carriage driver.

RESOLVED that the Hackney Carriage Drivers licence be revoked with immediate effect.

Close of meeting

The meeting ended at 9.25 pm