

## Regulatory Board (Planning)

Wednesday, 4 September 2019

7.00 pm

### Present:

Cllr Lauren Sullivan (Chair)

Councillors: Conrad Broadley  
John Burden  
Brian Francis  
Gary Harding  
Bob Lane  
Jordan Meade  
Brian Sangha  
Steve Thompson

**Note:** Councillors: Lee Croxton, Diane Marsh and Tony Pritchard were also in attendance.

Laura Caiels	Lawyer (Place) Medway Council
Wendy Lane	Assistant Director (Planning)
Richard McEllistrum	Planning Manager (Development Management)
Richard Hart	Principal Planner (Major Sites)
Peter price	Principal Planner
Lauren Wallis	Committee Services Officer (Minutes)

### 74. Apologies for absence

An apology was received from Cllr Harold Craske and Cllr Steve Thompson attended as his substitute.

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

The minutes of the meeting held on 24 July 2019 were signed by the Chair.

### 76. Declarations of Interest

Cllr John Burden declared a voluntary other interest in relation to application 20190372 – Land adjacent to 90 Downs Road, Istead Rise, DA13 9HQ in that he lived at the far end of Downs Road which was approximately 1 mile away from the application site.

Cllr Jordan Meade declared an other interest in relation to application 20180682 – Hevercourt Residential Home, Goodwood Crescent, Gravesend DA12 5EY as he was one of the Ward Councillors and he advised that he did not intend to take part in the debate and voting on this application.

Cllr Jordan Meade declared a further other interest in relation to application 20190678 – 2 Portland Villas, Windmill Street, Gravesend DA12 1LQ as he lived within the Windmill Hill Conservation Area.

Cllr Bob Lane drew the Board's attention to that comparison drawn in the Officer's report between an Appeal Decision of a property within the ward of Shorne, Cobham and Luddesdown of which he was one of the Ward Councillors and the application 20190678 – 2 Portland Villas, Windmill Street, Gravesend DA12 1LQ.

**77. 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.

**78. Planning applications for determination by the Board**

**78.1 20160215 - Tollgate Hotel, Watling Street, Gravesend DA13 9RA**

Further to the meeting of the Board held on 7 February 2018 when Members considered application reference 20160215 for the demolition of all the former Tollgate hotel and restaurant and construction of a petrol filling station and forecourts, sales building, ATM, underground fuel tanks, refuse/recycling, AC/refrigeration units, vehicular access, substation, parking and all associated works and services on part of the site and a decision was made to grant planning permission. This decision was also the subject of a legal challenge by the owner of the Tollgate Service Station who had brought about the judicial review claims in relation to the 2013 planning application as on four grounds as set out in the report.

This application had been referred for consideration by the Board because a decision was required in relation to an appeal by the applicant against non-determination by the Council.

The Principal Planner advised that, following legal advice taken by the Borough Council, it had been consented on 21 June 2018 to quash the decision and for the application to be remitted for re-determination, on the single and first ground only that the Council had relied upon a comparison between the impacts of the development and the impacts of a resumed hotel use actually taking place in the event that the development was not granted planning permission and that the Council had accordingly failed to have regard to a material consideration. The three other grounds of challenge in the Judicial Review claim were not conceded by the Borough Council.

A planning appeal was received by the Planning Inspectorate (PINS) against non-determination on 20 March 2019 as more than 13 weeks had elapsed following the decision to remit the application for re-determination. The planning application would therefore be determined by a Planning Inspector (not the Borough Council) and the intention was that the appeal would be dealt with by way of an informal hearing. The start date of the planning appeal against non-determination had been held in abeyance pending the reporting of the appeal to the Board with the expectation that the Borough Council would then be in a position to give a clear view on what, if it had been possible, the Council's decision on the appealed planning application would have been.

The Board was given a short summary of the planning history of the site together with a description of the proposals contained in the application. The Principal Planner concluded that no new information or evidence had been received by the Council and no reply had been received with regard to the Advice note sent to the applicant by the Council on 26 July 2019. Therefore, the report recommended refusal on the grounds set out on pages 31 and 32 of the report. The Board was advised that their decision would be reported to the Planning Inspectorate.

The Board heard the views of the public speaker.

The following points were made during discussion on this application:

- Support was expressed for the development of the site. However given the applicant's late submission of evidence and lack of clarity it was felt that refusal was the correct decision.
- Concern was expressed that the site had been allowed to deteriorate into an unsightly mess.
- It was suggested that the ongoing review of the Council's Local Plan would be a good opportunity to resolve Green Belt issues on sites such as this.

**Resolved that, having regard to:**

- **all of the grounds of challenge in the Judicial Review claim brought against the Borough Council that resulted in the quashing on 26 June 2018 of the decision to grant planning permission on 7 February 2018, and**
- **the failure of the applicants to respond directly to the Borough Council to those grounds of challenge or to the Council's Advice Note sent to the applicants on 26 July 2018 with any additional or revised information, documents or plans,**

**that, if it had been possible to determine the current planning application prior to the submission of the appeal against non-determination, the Board would have REFUSED to grant planning permission.**

(Cllr Meade requested that his vote in support of the resolution above, be recorded.)

Note: Mr Julian Sutton (an objector) addressed the Board.

## **78.2 20190451 - 74 Parrock Street, Gravesend DA12 1HF**

Further to the meeting of the Board held on 24 July 2019, the Board considered an application reference 20190451 which proposed a change of use to Sui Generis House in Multiple Occupation (HMO). At this meeting the determination of the application was deferred to enable the applicant to address the Board's concerns regarding the size of the bathrooms and to confirm they would be fit for purpose and to provide further information on the adequacy of the kitchen/utility room.

The Planning Manager (Development Management) advised that the ensuite bathrooms had been enlarged (with the exception of one) to provide increased space and a kitchen layout plan had been provided to demonstrate that the kitchen/diner/ utility room could accommodate all the amenities necessary for the proposed number of occupants in line with the Council's Licensing Section's adopted amenity standards for Houses in Multiple

Occupation (HMO's – 2006). The Council's Private Housing Manager (Licensing) had confirmed that the proposed accommodation met the requirements of that department's adopted amenity standards for HMOs for the proposed number of occupants (8) and that there was no reason at this time to refuse a licence.

The Board heard the views of the public speaker who then answered a number of Member questions.

The following points were made during discussion on this application:

- It was suggested that the oncoming review of the Local Plan add clarity on the minimum sizes of rooms in HMOs as it was considered that for example, a double bedroom should be large enough to have a double bed in it and a standard shower tray should fit in a shower room.
- It was confirmed that the waste would be collected from the storage area to the rear of the property as the alley was accessible by refuse freighters.
- The Board noted that whilst the building was not designed for disabled access, its Georgian dimensions were more generous than those of a modern dwelling.

**Resolved that application 20190451 be PERMITTED subject to the planning conditions to be detailed in the decision notice issued by the Planning Department and made available on the following link:  
<https://www.gravesham.gov.uk/planning-search>.**

Note: Mr Kingsley Hughes (Agent)(a supporter) addressed the Board.

### **78.3 20190372 - Land adjacent to 90 Downs Road, Istead Rise, Gravesend DA13 9HQ**

The Board considered an application reference 20190372 which proposed the erection of a four bedroom dwelling with associated parking and landscaping at land adjacent to 90 Downs Road, Istead Rose, Gravesend DA13 9HQ.

The Principal Planner (Major Sites) advised that the proposal was to construct a detached dwelling within the side garden of 90 Downs Road within the Green Belt. The application site contained a number of trees, lawn and vegetation at the western end of the site. There were no buildings or structures within the redline boundary. Relevant appeal decisions and case law, as well as the appearance, position, character and setting of the site itself, had been taken into account in officers consideration of the extent of the settlement of Istead Rise relative to the application site. It had been concluded that the application site lay outside the settlement of Istead Rise which for the purposes of the NPPF was considered to be a village and the site was located within the Green Belt. There had been no significant changes in circumstances since that boundary had been defined.

The application site was not considered to meet any of the Green Belt exceptions as set out in paragraph 145 of the NPPF as it did not form part of the settlement known as Istead Rise and the proposal was therefore considered to be 'inappropriate' development in the Green Belt and no very special circumstances existed to outweigh the harm to the Green Belt. In addition there had been four previous refusals for residential development on this site ranging from 1980 to 2014 and this recommendation was consistent with the previous four refusals.

Members' attention was also drawn to a decision of the Planning Inspectorate in relation to an appeal with regard to proposed residential development on Istead Arable Farmlands (Willerby Farm), which was 0.5 miles to the north of the application site, the wording for which was set out in pages 166 and 167 of the report.

The application was before the Board on the request of Cllr John Burden so that Members could consider the proposal in relation to the village boundary.

The Board heard the views of the public speaker who then answered a question from a Member.

Members were advised that no representations had been received from members of the public in response to the publicity given to the application.

The following points were made during discussion on this item.

- Following a question in relation to the reason for the referral to the Board, Members were informed that two former ward Councillors, who each had a great deal of experience of the area, had approached the Leader of the Council with their concerns.
- Concern was expressed that it would be premature to approve such an application before a review of the use of the Green Belt in the Borough.
- Support for the officer's recommendation was expressed because there was a clear boundary to the settlement and the correct decision would set a precedent to neighbouring properties.

**Resolved that application 20190372 be REFUSED on the grounds of being considered to be an 'inappropriate' development in the Green Belt and no very special circumstances exist to outweigh the harm to the Green Belt.**

Note: (a) Mr Andrew Wilford (Agent)(a supporter) addressed the Board.  
(b) Cllr Dakota Dibben spoke with the leave of the Chair.

#### **78.4 20180682 - Hevercourt Residential Care Home, Goodwood Crescent, Gravesend DA12 5EY**

Cllr Jordan Meade moved from his chair as a member of the Board and took a seat at the Non-Board Members table and, with the exception of representing residents as a ward Councillor, took no part in the discussions and voting for this item.

The Board considered an application reference 20190372 which proposed the erection of north, south and west wing single storey extensions to existing care home to provide 16 additional rooms, communal spaces, an increase in parking area and the erection of a new entrance canopy at Hevercourt Residential Home, Goodwood Crescent, Gravesend DA12 5EY.

The Principal Planner advised that the proposal sought to extend the care home with single storey extensions to the north, west and south which would focus around two internal courtyards and remodelling of the ground floor to provide a total of 27 bedrooms which was an increase of 16 bedrooms at ground floor level. Car parking on the site would be increased from 24 to 30 spaces. The Kent County Council accommodation strategy for social care

projects that by 2021 Gravesham requires an additional capacity of 56 residential dementia care units and this proposal would go

Towards meeting this required need. The design was deemed acceptable and the proposal would not have an adverse impact on the amenity of surrounding properties as the extensions were single storey and there was no conflict with local or national planning policies. The proposal was deemed to comply with local and national planning policy and, subject to the planning conditions as set out in this report, permission was recommended.

The application was before the Board at the request of Cllr Jordan Meade and Cllr Gurjit Bains due to concern regarding the impact on surrounding properties.

Members were advised the application had been advertised with an article 13 site notice and letters had been sent to 89 surrounding properties. Three rounds of consultation had been undertaken with the latest closing on 18 July 2019. As a result of this a total of 46 letters had been received. It was noted that 44 of the letters of objection had been the same letter signed by different residents. A summary of the material planning considerations raised in the responses were set out in the report.

The Board heard the views of the public speakers who answered questions from Members.

The following points were made during discussion on this application:

- The Board noted that 11 trees would be felled during the development of the application. Members were advised that, if the application was permitted, then a condition would be included for the replacement of these trees using semi-mature specimens.
- The soft landscaping in the proposed courtyards would include low planters, small shrubs, benches for residents to sit on and the small tree in one of the courtyards would be retained. It was noted that the care home was dementia specific and the courtyards would be designed to benefit the lives of the residents and would provide places to sit in the sun or shade and talk to friends and family.
- The walls surrounding the courtyards would be 60% glazed so the care staff could see residents when they were outside. The glass walls would also improve the openness of the indoor areas of the property. The remaining 40% if solid walls would be for the display of pictures that might remind residents of their lives such as red London buses etc. The energy calculations also drove the 60/40 split between glass and solid walls.
- The entrance to the care home would be improved and people entering the building would be able to see the main courtyard through the proposed glass walls.
- The Board was advised that the area needed additional accommodation of this kind. Kent County Council accommodation strategy for social care projects that by 2021 Gravesham would require an additional capacity of 56 residential dementia care units. This proposal would go directly to meeting this required need.
- Concern was raised about the scale and importance of the development and the impact on neighbouring properties from and noise nuisance and parking perspective. Noise nuisance had been experienced by neighbours who had not complained to the Council. The proposed development would mean the building would be closer to residences and a site visit was requested.
- The Board was advised that the nearest residential properties were between 15.5 metres and 21 metres from the proposed extension to the care home.

- The need for more quality accommodation for the elderly was recognised as was the need for more day care.
- Members recognised the need for increased care provision and the need for profitability. The proposals would also create 12 new jobs, would improve facilities and the owner of the facility was encourage to engage with the local community.

**Resolved that application reference 20180682 be PERMITTED subject to the planning conditions to be detailed in the decision notice issued by the Planning Department and made available on the following link:  
<https://www.gravesham.gov.uk/planning-search>.**

- Note:
- (a) Mr Stephen Gilmour (a supporter) addressed the Board.
  - (b) Mr Timothy Ball (Architect)(a supporter) addressed the Board.
  - (c) Mr Nick Riley (an objector) addressed the Board.
  - (d) Cllr Tony Pritchard spoke with the leave of the Chair.
  - (e) Cllr Jordan Meade spoke with the leave of the Chair.

#### **78.5 20190678 - 2 Portland Villas, Windmill Street, Gravesend DA12 1LQ**

The Board considered an application reference 20190678 for the retention of the uPVC casement windows at first floor level and replacement of uPVC sash windows with uPVC casement windows at second floor level on the front elevation at 2 Portland Villas, Windmill Street, Gravesend DA12 1LQ.

The Planning Manager (Development Management) advised that the application proposed the retention of recently installed front uPVC windows at first floor level and to replace the existing slim-line sash uPVC windows at second floor level with thicker framed tilting uPVC. Whilst the Conservation Area exhibited a limited number of examples of unsympathetic and uncharacteristic uPVC windows, which had generally been installed without the benefit of planning permission, the proposed windows would serve to present a further diminution of the quality of character and appearance, and would not preserve or enhance the Conservation Area in which they were located. The development would therefore conflict with the objectives of Policy TC3 of the Gravesham Local Plan First Review 1994, Policies CS19 and CS20 of the Core Strategy 2014 and paragraph 192 of the National Planning Policy Framework 2019. As such it was considered that this planning application should not be supported. The Planning Manager (Development Management) displayed a range of photographs of all buildings on the north and south side of Windmill Street. It was noted that most of the replacement windows, whether they were sympathetic or otherwise had been installed without the benefit of planning permission. The cumulative effect of the unsympathetic changes to the buildings was considered to be eating away at the quality of buildings in the Conservation Area.

The application had been referred for consideration by the Board by Cllr Steve Thompson.

The Board heard the views of the public speaker who answered questions from Members.

The following points were made during discussion on this application:

- The Board noted that the applicant was unaware that the property was within a Conservation Area and was the subject of an Article 4 Direction. uPVC replacement windows had been installed in the ground floor windows before the applicant bought the property.

- Members were advised that many residents were unaware that their properties were within the Windhill Hill Conservation Area. The local search would include this information and the buyer's solicitors should pass this onto their clients. Some surprised was expressed as many estate agents used the fact that the property was within a Conservation Area as a selling point.
- Some Members considered that uPVC windows did not detract or cause harm to the Conservation Area if they were sympathetic in design (faithful fenestration) and correctly installed.
- The Board was advised that the replacement windows in this property had only come to the Council's notice when planning officers visited as a result of a planning application for the installation of a driveway.
- A consideration was put forward that whilst Conservation Areas and Listed Buildings should be protected, the progression of technology and changing manufacturing techniques also meant that the a sympathetic, in character effect could be achieved using different materials to those originally used.
- It was suggested that the applicant be allowed to keep the replacement windows in the bay window on the first floor and the decision on the replacement of the bay window on the second floor be deferred to allow the applicant to consult with the appropriate Council officers with regard to a more sympathetic sash design.
- Some concern was expressed with regard to the suggested use of uPVC as wooden frames had been used in the original build of the Villas and some Members felt that owners should be encouraged to return to what had been installed with the property was first built..
- A suggestion was made that the existence and associated restrictions of Conservations Areas including Article 4 Directions be highlighted by way of an article in "Your Borough".
- Members were reminded of a previous meeting of the Board in May 2019 when the Board was advised although the Council's Conservation officer preferred timber replacement windows of suitably designed proportions, the officer accepted the uPVC could also be used in a sympathetic way.

**Resolved that application 20190678 be DEFERRED to a future meeting of the Board to enable negotiations to take place in relation to the replacement of the existing uPVC sash windows on the second floor bay between Council's Planning Manager (Development Management) and Conservation Officer and the applicant and/or applicant's agent to address the Board's concerns with regard to the design of the proposed upper floor bay windows.**

Note: Ms Han Ebcin (Agent)(a supporter) addressed the Board.

#### **79. Planning applications determined under delegated powers by the Director (Housing & Regeneration)**

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

#### **Close of meeting**

The meeting ended at 10.00 pm



