

Planning Committee

Wednesday, 2 September 2020

7.00 pm

Present:

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

Councillors: Conrad Broadley
Brian Francis
Bob Lane
Jordan Meade
Elizabeth Mulheran
Tony Rice
Steve Thompson

Note: Councillors: John Burden and Jenny Wallace were also in attendance

Laura Caiels	Lawyer (Place)(Medway Council)
Kevin Burbidge	Director (Planning & Development)
Mark Lees	Regulatory Services Manager
Richard Hart	Principal Planner (Major Sites)
Mandy Francis	Licensing Manager
Clive Boorman	Technical Services Support Officer
Lauren Wallis	Committee Services Officer (Minutes)

13. Apologies for absence

No apologies for absence were received.

14. To sign the Minutes of the previous meeting

The minutes of the meeting of the Planning Committee held on 22 July 2020 were signed by the Chair.

15. Declarations of Interest

Cllr Harold Craske made a voluntary announcement of an other interest in respect of the objecting speaker for application reference 20200583, Mrs Robert. He confirmed that he and Mrs Roberts had not had any conversations in relation to this application. He noted that after 14 years service as a Councillor he had met a great many people but this had never compromised his decision making. Following a question from the Lawyer (Place), Cllr Craske confirmed that he never pre-determined this or any other planning applications.

16. Planning applications for determination by the Board

16.1 20200583 - Demolition of existing dwelling and erection of 2 four bedroom dwellings with parking spaces to front, 61 Lennox Road, Gravesend, DA11 0EL

The Board considered an application reference 20200583 which proposed the demolition of the existing dwelling and the erection of 2 four bedroom dwellings with two parking spaces per dwelling to the front.

The Principal Planner (Major Sites) explained that the application site, which currently has a detached bungalow with a rear garden and parking to the front, was located on the eastern side of Lennox Road with the railway line to the south of the site. This part of Lennox Road contains a mixture of type and design of dwellings. However, in the main, the dwellings were two storey terraces. The road is a well used highway by both pedestrians and vehicles. The site has mature soft planting to the front of the property which limits the visibility splays, and this combined with the siting on the inside curve of the road resulted in a highway safety concern being raised by neighbours. It was noted there was an existing in and out driveway serving the existing dwelling.

The proposal for two detached two storey dwellings and was not out of character with the area and it was considered that the dwellings would have no significant detrimental impact on any neighbouring properties due to the orientation and design of the proposed dwellings. The proposals were not considered to increase traffic movements onto Lennox Road significantly and met adopted parking standards. There was likely to be some biodiversity along the railway bank and therefore a landscaping plan showing suitable habitats for these creatures was recommended as a condition. The development proposal was considered to be compliant with the relevant policies in the Council's adopted Core Strategy, the relevant saved policies contained in the First Review and accords with national policy and guidance.

The Committee was advised that one late comment have been received which stated "It's very important to us that during construction that they do not block access to our driveway and keep the area clean. We request they do not want reverse out their vehicles in our driveway.". The officer noted that the issues raised were civil issues and were not material planning considerations.

Members noted that a number of windows in the first floor of the proposed dwelling nearest the neighbouring properties would be obscure glazed to ensure the privacy of future occupiers was protected and there would no overlooking onto surrounding properties. The impact the adjacent property had been considered and the officer had concluded that there would be no adverse impact on the amenity of the property at 59 Lennox Road. In addition, there was a tall tree and shed in the garden of 59 Lennox Road which already impacted on the outlook from this dwelling. The dwelling at plot 1 which protruded beyond the rear elevation of 59 Lennox Road was single storey to reduce any impact on the existing/future occupiers of this dwelling. Furthermore, to protect the amenity of 59 Lennox Road and future occupiers a condition was recommended that Permitted Development rights for any additional opening/windows on the flank elevations be removed.

With regard to highway safety Members were advised that no County or Borough highway objection had been raised. It was noted that the site was on the inside radius of the curve and the existing dwelling had 'in and out' driveway. The soft landscaping as existing resulted in limited visibility splays which was a highway hazard. The officer suggested appropriate

conditions be used to ensure that soft landscaping within the visibility splays was low level and boundary walls did not exceed 0.6 metres in height.

The officer highlighted that the application site had existing extensive soft landscaping and it was suggested that, where possible, as much soft landscaping should be retained through a planning condition. The agent has agreed to discuss this proposal.

In conclusion, the officer stated that as the application was policy compliant and recommended that permission be granted, subject to the imposition of conditions as set out in the report.

The Committee heard the views of the public speakers in support of and objecting to this application who answered questions from Members.

The Committee heard the views of the Ward Member, Cllr Jenny Wallace.

The following points were raised during discussion on this application:

- Following a concern raised over the late comment received, the officer confirmed that this could be conditioned by a Code of Construction.
- Following a point raised on retention of the biodiversity, Members' attention was drawn to Condition 2 contained in the report. However, for the avoidance of doubt, the officer would seek to retain the existing trees and plants to the rear of the application site.
- The Principal Planner (Major Sites) clarified that under Permitted Development Rights a property, not previously extended, could single storey extend 8 metres under prior approval and could extend 3 metres under Permitted Development Rights. He also noted that the light to the ground floor windows of 59 Lennox Road was already impacted by a rear conservatory, a shed and a large tree in the garden of number 59 Lennox Road.
- A Member noted that planting restrictions in private gardens would be difficult to police and owners of properties should be allowed the discretion to plant what they wanted in their own gardens.
- Concerns were raised in relation to a mast close to the application site and whether the proposed two storey dwelling would be affected by any waves emitted by the mast. The Committee was advised that the mast was sited on railway owned land and since there was a house already on the site it was difficult for him to comment.
- A number of Members expressed concern about the high usage of the road by vehicles and pedestrians and that it was used as a cut through to the town centre. The high volume of traffic, the loss of the in-out drive and its replacement with two driveways, and the siting on a low-visibility bend was considered to be a risk especially if future occupiers chose to reverse onto the road. It was noted that the Kent County Council was the highway authority and had not expressed any concerns about the effect on highway safety of the proposals.
- The Committee was advised by the speaker in objection to the proposal that the light to the dining room and downstairs toilet of no. 59 Lennox Road would be greatly reduced by the bulk of the proposed two storey dwelling and that the dining room was linked to the kitchen both of which were high usage areas. The officer advised that the two storey element of the neighbouring dwelling was in line with no. 59 Lennox Road and only the single storey element protruded past the line. Members were also advised that under the 1996 Residential Layout Guidance the dining room and kitchen were not classed as habitable rooms. Members were asked to also bear in mind what was on the site at the present time.

- The Ward Councillor highlighted the loss of light to the ground floor of 59 Lennox Road and asked that a Site Visit be considered. The Chair noted that the removal of the shed and/or tree would allow more light into the house.
- Members were informed that an application for a two storey dwelling on the site had been approved in 2015 which had since expired. This application had been approved under the same Core Strategy and National Planning Policy Framework as this application.
- Following a comment on the possibility of moving the proposed dwellings a little further forward on the sites or having an angled roofline, the Chair reminded Members that the Committee must only consider the submitted proposal and asked them to bear the previously permitted application in mind.
- It was noted that planting on the fence line alongside the single storey element would improve the amenity of 59 Lennox Road and that the trees and shrubs on the railway land provided a good level of wildlife habitat.

Having listened to the Committee's comments and concerns the Principal Planner (Major Sites) suggested:

- The inclusion of the Code of Construction which could control the hours during which construction etc could take place, wheel washing and use of private drives for construction vehicles.
- The inclusion of a condition in relation to soft landscaping following consultation with neighbours.
- The removal of all Permitted Development Rights for the two proposed dwellings.
- The front retaining wall and soft landscaping to be limited to 0.6 metres in height.
- Condition 3 could be split into two – hard and soft landscaping.
- The inclusion of that there be no further windows in flank walls.
- A further informative on with regard to the telecommunications mast including the noise made by the mast.

Resolved that application 20200001 be PERMITTED subject to conditions as set out in the officer's report with amendments as discussed by the Committee relating to hard and soft landscaping and informative in relation to the discharge of this condition with regard to consultation with neighbours, a condition on a Code of Construction and a further informative on with regard to the telecommunications mast include the noise made by the mast.

- Note: (a) Mr Gurminder Sanghera (Applicant)(a supporter) addressed the Committee.
 (b) Mr Brian Sangha (a resident)(a supporter) addressed the Committee.
 (c) Mrs Brenda Roberts (a neighbour)(an objector) addressed the Committee.
 (d) Cllr Jenny Wallace spoke with the leave of the Chair.

17. Reports For Information/Decision

17.1 Pavement Licences - Business and Planning Act 2020

The Regulatory Services Manager presented the report which provided an update on the provisions of the Business and Planning Act 2020 relating to pavement licences and associated off-sales of alcohol. The officer presented an amended recommendation for consideration as follows:

It was recommended that authority be delegated to the Director (Communities) to exercise the Council's functions and powers in relation to pavement licences under the Business and Planning Act 2020 or any legislation replacing or amending the same or any regulations made thereunder.

The officer noted that the regime would be managed by the Licensing Team. The Government had introduced the Bill as part of measures to promote economic growth in the hospitality sector following the pandemic. The effect of the legislation was to fast-track the process until September 2021 when it would return to being the responsibility of the County Council as it was previously.

The Committee's attention was drawn to a slight associated amendment to the Licensing Act 2003 to allow premises with a licence authorising 'on-sales' only (sales of alcohol for consumption on the premises) to automatically have 'off-sales' added to their licence.

In conclusion, the Regulatory Services Manager advised that the report was in accordance with the Council's Constitution and therefore the Planning Committee was asked to make this decision.

The following points were made during discussion on this subject:

- Following a question on the number of premises with purely 'on-sales' licences in the Borough, the Committee was informed that there were approximately 350 premises in the Borough of which approximately 60 were purely 'on-sales'.
- The issue of natural justice was raised with regard to the Director (Communities) being delegated the authority to make the decision on whether to grant or refuse licensing applications and to decide on appeals against refusal. The officer reported that discussions had been had with the management team of the Council and the Leader of the Council who had agreed the recommendation.
- The Leader of the Council confirmed that the roles of officers had been chosen by the Chief Executive and appeals would be heard by senior managers who would ensure that they would always be correctly and fairly heard. Should an applicant not be happy with the decision of the appeal process then further recourse could be had via the Local Government Ombudsman. Council officers had been previously proven to be fair and reasonable and the Leader confirmed that he was happy with the arrangements.
- The Committee was advised that a last minute amendment to the Bill was passed in the House of Lords to provide for the pavement licensing functions not to be executive functions. This amendment meant that pavement licence functions must be discharged by the authority, i.e. the council, rather than by the authority's executive, and that as the discharge of such licensing functions have been delegated to the Planning Committee by Full Council, it was for Planning Committee to make the decisions about onward delegation. A question was raised on the fact that it was incumbent on the applicant to post a consultation notice in the window of the premises and whether this could be open to abuse. Members were informed that this was a standard feature in other licensing regimes and was set in legislation. To assist applicants an informative webpage had been created on the Council's website together with an online application form. The use of the form created a poster which was automatically emailed to the applicant containing the correct information in the requisite format. Officers from the Licensing Team undertook spot checks to ensure that posters are correctly displayed.

Resolved that authority be delegated to the Director (Communities) to exercise the Council's functions and powers in relation to pavement licences under the Business and Planning Act 2020 or any legislation replacing or amending the same or any regulations made thereunder.

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

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 8.22 pm