

Planning Committee

Wednesday, 19 May 2021

7.00 pm

Present:

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

Councillors: Brian Francis
Jordan Meade
Elizabeth Mulheran
Tony Rice
Leslie Hills
Emma Morley
Frank Wardle

Note: Councillor Lee Croxton was also in attendance.

Wendy Lane	Assistant Director (Planning)
Vicky Nutley	Deputy Head of Legal Services (Place)
Richard Hart	Team Leader (Development Management)
Amanda Grout	Planning Officer
David Herrington	Digital Services Manager (Technical Support)
Lauren Wallis	Committee Services Officer (Minutes)
Ciara Ferguson	Committee Services Trainee

1. Apologies for absence

Apologies for absence were received from Cllr Bob Lane, Cllr Gary Harding and Cllr Samir Jassal.

Cllr Leslie Hills, Cllr Frank Wardle and Cllr Jordan Meade substituted for the above Councillor respectively.

2. To sign the Minutes of the previous meeting

The minutes of the meeting of the Planning Committee held on Wednesday, 7 April 2021 were signed by the Chair.

3. Declarations of Interest

Cllr Jordan Meade made a voluntary announcement of an other interest as an elected Member of Kent County Council for Gravesend East which he noted was not yet listed on his Register of Interests.

The Deputy Head of Legal Services (Place) confirmed that Cllr Meade's Declaration of Interest was acceptable.

4. Planning applications for determination by the Board

4.1 20210397 - Relocation of 5no. car parking spaces and erection of 3no. 2 bedroom self-contained flats and 3no. additional car parking spaces at 55 Rochester Road, Gravesend, Kent

The Committee considered application reference 20210397 in relation to the proposed construction of a two-storey detached building located to the rear of the block of flats at number 55 Rochester Road, which would provide 3 two bedroom self-contained flats and associated parking and the relocation of existing parking to serve the residents of the flats at number 55.

The Planning Officer introduced the report and advised that the site was to the rear of Rochester Road within the urban boundary of Gravesend as designated by the Local Plan. 55 Rochester Road is a two-storey block of flats surrounded by residential properties varying in nature. There is a school opposite the site and a Grade 2 Listed church nearby. The Committee was advised that this application was a resubmission of a previous application which had been refused permission in February 2021. An appeal had been lodged by the applicant against the refused scheme who had not yet received a start date from the Planning Inspectorate. The Planning Officer described the differences between this and the previous application which included a reduction on bedrooms from 3 to 2, the increase in space between the proposal and 55 Rochester Road, the altered and the reduced access to Flat C. The access to the site was a vehicular alley which has no lighting or pedestrian walkway and was not in the ownership of the applicant. However, a certificate had been served on the owner of the alleyway. It was noted that no pre-application advice had been sought by the applicant on either of the schemes. The proposed scheme would result in a biodiversity net loss for the site. It was noted that whilst the three proposed dwellings were a modest contribution to Government Housing targets it was considered that the proposal would result in a significant harm to existing dwellings which would outweigh the benefits of three additional dwellings. Members were informed that, as of the day of the meeting, there had been no undertaking provided to secure the SAMMS contribution.

A summary of the correspondence received in relation to the consultation was set out in the report and it was noted that four replies had been received objecting to the proposal on the grounds of overdevelopment.

In conclusion, the officer recommended that the application be refused on the grounds as set out in the report.

The application was before the Committee as a result of the application being resubmitted with revisions following a refusal.

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

The following points were made during discussion on this item:

Landscaping and Parking:

- In relation to the 2015 approved application, it was confirmed that the condition in relation to the landscaping scheme had not been implemented which was supposed to have happened within 12 months of first occupation.
- A question was raised on the lack of amenity space on the site. The Committee was advised that there were a number of public amenity spaces close to the site that could be used such as the rugby club and the Promenade.

Proposal Design and Housing Consideration:

- As previously advised, the application was before the Committee due to being resubmitted with revisions, following a recent refusal in addition to the consideration of the balance between the impact of the proposal and the Government's 5 year housing supply targets.
- The distance between the existing block and the proposed building was confirmed at 2.58 metres and was the locations of the application's habitable rooms, the lounge and bedrooms, which would be at the front and rear of the building.
- It was noted that if the Committee adopted the first two reasons for refusal, then the third was superfluous. The Team Leader (Development Management) advised, that with regard to the SAMMS agreement, the Planning Officer had emailed the applicant's agent on 5 May and that the completed unilateral undertaking had not yet been received by the Council.
- Following a question about the overbearing nature of the application on surrounding properties, Members were advised that number 53 had a pitched roof to reduce impact of the neighbouring property and windows and roof lights had been positioned to reduce overlooking. In addition, the amenity space of one of the flats had been reduced but was still had an area of 32m².
- Whilst it was noted that the proposed flats were of a high quality, some concern as expressed on the small size of some of the kitchens, living spaces and that one of the double bedrooms did not have any windows although it did have roof lights. It was confirmed that this was due to the configuration of the flats and that gross internal area space standards had been met.
- The Team Leader (Development Management) highlighted that the application was for 100% market housing and was not for affordable housing. He also noted that the Guidance Booklet mentioned by the applicant's agent, had not been received by the case officer and was therefore not part of the application and could not be taken into account by the Committee when coming to a decision.
- Following a question from the Ward Councillor, that Committee was advised that the applicant had worked with the Council and more specifically, one particular housing officer, to house clients that other private landlords would not consider. All the tenants had been very happy to be housed in clean, well maintained housing despite the small size of some of the rooms, as they tended to have come from much smaller accommodation such as studio flats. Such tenants had gone through so much that they did not ask for amenity space and parking and the residents had become a small community. It was the applicant's stated intention to let the properties rather than sell them on the open market.
- The Assistant Director (Planning) confirmed that the application was for market housing and not affordable housing in perpetuity. She also noted that the dwellings could be let to the Council's housing services who use private landlords.
- The applicant confirmed that, although the application was for market housing, the proposed flats would be used to house Council tenants.

- In relation to the character of the area, it was confirmed that there was a mix of properties including flats, houses and bungalows including other back land developments.
- Following a question from a member of the Committee, it was confirmed that the application site was not in an elevated position and was designed not to overlook neighbouring properties and was not overlooked.
- Following a comparison to a previous application considered by the Committee for a single assisted living dwelling, the Planning Officer advised that there had been no biodiversity net loss for this dwelling in Arnold Avenue. The assisted living dwelling had met all guidelines. This dwelling was at 25mm² was also much larger. The officer confirmed that the proximity to other dwellings should measure 11 metres from property to property and this measures 2.5 metres. In addition, the ground floor flat was the only dwelling with an outlook. It was noted that the residential guidelines were unadopted and the application met some of these and failed with others. The garden amenity minimum was confirmed at 10m².
- The Assistant Director (Planning) confirmed that very few personal circumstances were a material planning consideration such as disability but not homelessness.

Pre-Application Advice:

- Following a question from a Committee member, the speaker confirmed that he had not sought pre-application advice because his strategy was to submit the applicant for determination within a set timeframe and pre-application advice would have delayed this process by months.
- It was confirmed that the applicant had worked to overcome the reasons for refusal for the previous application.
- The Planning Officer drew Members' attention to paragraphs 1.9 to 1.12 of the report which set out the procedural issues in relation to this application. Paragraph 38 of the National Planning Framework sets out the process of prior engagement. This process takes 6 weeks at Gravesham Borough Council during which the case officer engages with the applicant and/or agent. In the case of this application, prior engagement did not happen. However, if the Committee felt that further consultation could bring about a favourable outcome then this could take place.
- Many members of the Committee expressed the opinion that the applicant should have taken the time to seek pre-application advice in an effort to resolve some of the issues before submitting an application.

Access:

- There were supporting documents in relation to the shared ownership of the access and a certificate and other information had been emailed to the Committee before the meeting. The Team Leader (Development Management) advised that this could not form part of the consideration of the application as it had not been formally submitted to the Local Planning Authority.
- A question was raised on whether the access would have lighting as it was considered that it and the open plan amenity space might attract the potential for fly tipping. It was considered by the applicant that natural surveillance would happen as a result of the design of the scheme.
- Members were advised that the maintenance responsibilities of the access way were likely to be shared.

- The Chair highlighted that Kent Highways had raised slight objections to the application but not enough for grounds to refuse. It was also noted that Kent Highways rarely objected to anything.
- The Committee was advised that the access road led onto a busy road and was opposite a school.

Officer Recommendation:

- The Chair noted that the Ward Councillor had made a valid point in that the Government had a presumption in favour of development. However, he considered that the officer's report presented a balanced consideration.
- A member of the Committee recognised the need for housing but asked if it should come at the cost of approving development with non-habitual space or were detrimental to the environment.
- Another member noted that there were many examples of development in the urban area and some were examples of overdevelopment. It was considered that fitting too many dwellings into small back land developments was too much intensification. There were also issues of a lack of parking spaces and unlit access issues onto a busy road.

Before putting the motion for refusal to the vote, the Chair requested that the reasons for refusal be displayed.

Resolved that application 20210397 be REFUSED Planning Permission on the following grounds:

1. The proposals are considered to constitute an overdevelopment of the rear garden, which would result in a comparatively cramped form of back land development and would be incongruous considering the existing pattern of development and the character of the residential gardens, which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensured new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 70 of the National Planning Policy Framework (2019) which states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of outlook and loss of private and shared amenity space, contrary to Policy CS19 of the Core Strategy 2014 and para. 127f of the National Planning Policy Framework 2019.
3. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 175 and 176) of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

- Note:
- (a) Mr Sean Payne (Agent)(a supporter) addressed the Committee.
 - (b) Mr Kam Sathi (Applicant)(a supporter) addressed the Committee.
 - (c) Borough Councillor Lee Croxton spoke with the leave of the Chair.

5. Appointment of Appeals Sub-Committee

The Committee 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 Lyn Milner (Chair)
Cllr Christina Rolles (Vice-Chair)

Conservative:

Cllr Gary Harding

6. Appointment of Hackney Carriage Sub-Committee

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

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

Labour:

Cllr John Burden (Chair)
Cllr Brian Sangha (Vice-Chair)

Conservative:

Cllr Jordan Meade

7. 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.

Close of meeting

The meeting ended at 8.48 pm