

## Planning Committee

Wednesday, 27 October 2021

7.00 pm

### Present:

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

Councillors:        Brian Francis  
                         Gary Harding  
                         Samir Jassal  
                         Bob Lane  
                         Emma Morley  
                         Elizabeth Mulheran  
                         Tony Rice

**Note:** Councillor:     Lee Croxton was also in attendance

Wendy Lane	Assistant Director, Planning
Richard Hart	Team Leader (Development Management)
Faye Hobbs	Team Leader (Development Management)
Rebecca Harrison	Senior Planning Officer
Laura Caiels	Principal Lawyer - Place Team
Julie Francis-Beard	Committee Services Officer (Minutes)

### 28. Apologies for absence

No apologies for absence were received.

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

The minutes of the meeting of the Planning Committee held on Wednesday, 29 September 2021 were agreed and signed by the Chair.

### 30. Declarations of Interest

Cllr Craske declared an interest in Item 5A – 20210791 6 Sheppy Place, Gravesend Kent as the person living next door to this application was a close friend. Cllr Craske agreed to leave the meeting for the duration of the item.

Cllr Rice declared an Other Significant Interest in Item 5C – 20210453 Former Cinema Site, 11 King Street, Gravesend Kent as he is a Director of Rosherville Limited which owns The Charter development. As he considered that the interest may reasonably be regarded as affecting the financial position of Rosherville, Cllr Rice will withdraw from the meeting for the duration of the item.

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

#### 31.1 20210791 - 6 Sheppy Place, Gravesend, Kent, DA12 1BT

The Vice-Chair left the meeting for the duration of this item.

The Committee considered application reference 20210791 in relation to land at 6 Sheppy Place, Gravesend DA12 1BT. The application was for the construction of a side wall between no.6 and no.5 Sheppy Place.

Following a decision to defer this application at the last Planning Committee on 29 September to allow the case officer to undertake measurements and photographs of the site. The Team Leader (Development Management), Richard Hart, introduced the additional information to application 5a to the Committee and highlighted key points from the report.

The distance from the front of the property to the entrance door is approximately 5.7m and the level difference between the two properties is approximately 0.4m at the position of the front door at no.5. Photographs in the report clarify the concerns.

In response to Members questions on the clarification of the application, the Team Leader (Development Management) explained that:

- The wall facing the door of no. 5 would be 2.2m above ground level. The distance from the front gate to the front door of no. 5 would be 5.7m.
- There are currently no street lighting immediately outside the alleyway.

The following points were raised during discussion on this application:

- The Team Leader (Development Management) explained that the Committee was there to determine the application before the board and the scheme was policy compliant.
- Members discussed concerns regarding personal safety and security. Members raised concern regarding the lack of street lighting in front of the application site. Future residents may not feel safe in the unlit area especially vulnerable people or people with disabilities.
- This application is subject to an Article 4 direction that removes certain permitted development rights as it is within a Conservation Area. It does not cover the side wall to the rear of the front elevation of the dwelling. A wooden fence may be more appropriate.
- The Team Leader (Development Management) clarified that as the wall was 1.2m and to the front of the dwelling and as such is not permitted development as it is covered by the Article 4 Direction.

The Chair thanked the Officer for the report.

**Resolved** that application 20210791 be REFUSED Planning Permission for the following reason:

The proposed development by virtue of its siting and size would create an overly dominant boundary wall that would create an unneighbourly form of development that would adversely affect the outlook, privacy and safety for the occupiers of 5 Sheppy Place. The proposal is

therefore considered to be contrary to the requirements of Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 92 and 130 of the National Planning Policy Framework (2021).

Refusal: 7 Members

Abstention: 1 Member

Cllr Craske not being present for this item and, therefore, not voting

### **31.2 20211037 - 55 Rochester Road, Gravesend, Kent**

The Committee welcomed back the Vice-Chair to the meeting.

The Chair brought the Committee's attention to the fact the Ward Councillor had requested the application be withdrawn to allow for a site inspection.

The Chair informed the Committee that this was very unusual.

The Assistant Director (Planning) clarified that only the applicant could withdraw the application. The options would be to determine the application tonight and either make a decision to approve / refuse to defer for a site inspection to be arranged or the applicant could withdraw the application from determination. If a site inspection was agreed, it would only consist of Members of the Committee and the Applicant/Agent.

The case officer had visited the site prior to this Committee and had additional photographs to show the Committee to assist with their decision.

The applicant was in attendance and originally supported deferral for a site inspection. It was explained by the Assistant Director (Planning) that deferral for a site inspection was a decision for the Committee not the applicant but later informed the Committee they would not be happy to withdraw the application and for the Committee to make the decision on the application.

The Committee considered 20211037 in relation to relocation of 5no. car parking spaces and proposal of 2no. single storey dwellings and 3no. additional car parking spaces with ancillary works. The application was for the construction of 2no. single storey 2-bed semi-detached dwellings located to the rear of the block of flats at No. 55 Rochester Road and associated parking and the relocation of existing parking to serve the residents of the flats at No. 55.

The Team Leader (Development Management), Richard Hart, introduced application 20211037 to the Committee and highlighted key points from the report.

Following publication of the report, an appeal decision for a previous refusal on this site had been received and the Inspector had dismissed the appeal. The Assistant Director (Planning) circulated a copy of this decision to Members prior to the meeting as it was a material consideration for this application.

This application before the board had not been the subject of formal pre-application discussions although discussions had taken place.

The original site was originally a detached bungalow and permission was granted in 2015 for demolition of the bungalow and erection of a two storey building containing 4 flats. This scheme was constructed and is occupied.

The design approach is deemed unacceptable for the following reasons:

- Proposed building is located only approximately 2.8m away from the rear of no. 55 Rochester Road
- Design is out of keeping with the existing development on the site and the surrounding area
- The proposals are considered to constitute an overdevelopment or rear garden which would result in an unacceptable and cramped form of back land development.

Amenity of future occupiers was addressed in 6.33 to 6.39 of the report but the following is worth noting

- Both dwellings are single family dwellings
- Both dwellings should have a garden depth of 7.6m and the area of 37.2m. This was not achieved.

House A – garden area of 31.91m<sup>2</sup> and depth of 3.62m

House B – garden area of 12.36m<sup>2</sup> and depth of 2.32m.

Furthermore, both gardens are land locked from the dwellings and with the communal paths around the dwelling this would offer no privacy for future occupiers. As such, the single family dwelling would not have acceptable gardens and the scheme is contrary to local and national planning policy.

The proposal also removes all private and shared amenity areas to serve all of the residents of the flats at No. 55. Furthermore, the proposed new building in such close proximity to the existing property, together with the loss of amenity space would have a detrimental impact on the occupiers of the flats of No. 55.

The net gain of 2 dwellings would offer a minimal contribution towards meeting local need.

The Chair thanked the officers for a detailed report.

In response to Members questions on the clarification of the application, the Team Leader (Development Management) explained that:

- It was confirmed that the green roof on the proposed development was not classed as amenity space.
- Although the overall footprint between the current scheme and the previous one has reduced from 153.01m<sup>2</sup> to 140.07m<sup>2</sup>, the footprint remains virtually the same.

Due to the ill health of one of the applicant's team, they had not contacted the Committee Section within the allocated time to register to speak. Although this is very unusual practice, the Chair permitted the applicant to address the Committee.

The Committee heard the views of a public speaker in favour of the application. Following the address by the public speaker, Members had their questions answered:

- The Gravesham Housing Manager reviewed the scheme for affordable housing and due to the poor size, this application would not be acceptable for affordable housing, even though it had been ticked on the application form.
- The Team Leader (Development Management) explained about the SAMMS payment. In the appeal decision, the Planning Inspectorate did not consider it reasonable to put the applicant to the time and expense of formally securing SAMMS mitigation contribution as the appeal had been dismissed.

The Committee heard from Cllr Lee Croxton, a Ward Councillor for Riverside:

Cllr Croxton outlined the reasons he was for the application and urged the Committee to support the application and arrange for a site inspection. Cllr Croxton suggested the Committee go to site, have a look around, speak to the applicant and identify what you think would be a good way forward and proceed from there.

Cllr Croxton said this site needs to be developed otherwise it will remain a derelict site. There would be a number of people that are currently on the housing waiting list that would be grateful to live here and in the area. He suggested working with the Housing Department.

The Team Leader (Development Management) fielded questions from Members and explained that:

- Members of the Committee agreed there was no significant change from the previous application. The concern was the footprint and the lack of outdoor space.
- Site inspections were discussed as some Member would like to attend the site and others would not. Members would like the Planning Officers to attend on site as they have the knowledge and expertise. The opportunity to take on board any comments for any subsequent plans.
- A Member of the Committee had already visited the site and found it particularly helpful to see the surrounding area. It would have been beneficial to have had a site visit before this application actually came to the Committee.
- Although site visits were discussed in detail, it was agreed to make a decision on the application.

**Resolved** that application 20211037 be REFUSED for the following reasons:

1. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland 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 ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) 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 private and shared amenity space, contrary to

Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.
4. 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 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Refusal: 5 Members  
Approved: 3 Members  
Abstention: 1 Member

Note: (a) Mr Sathi (Agent – in favour) addressed the Committee.  
(b) Ward Councillor Lee Croxton spoke with the leave of the Chair

### **31.3 20210453 - Former Cinema Site, 11 King Street, Gravesend, Kent, DA12 2EB**

Cllr Tony Rice left the meeting for the duration of this item.

The Committee considered the application 20210453 in relation to Former Cinema Site 11 King Street Gravesend Kent. The application was for the repair, restoration, extension and repurposing of 11-12 King Street to provide a residents' workhub at ground floor level and 6 flats above along with the construction of a new building to the rear standing between part 6 and part 9 storeys to contain 47 flats together with car and cycle parking, refuse and recycling storage and private and communal amenity spaces.

The Senior Planner introduced the application to the Committee and highlighted key points from the report.

The former cinema site was opened in 1931 and closed in 2002. The site had been vacant since 2006 and after suffering a fire in 2009, the auditorium was demolished. On the site remained the front part of the building, two storeys in height with its classical façade facing King Street with the site opening up into a roughly square area of vacant land behind where the auditorium stood.

There had been two previous applications for redevelopment of the site, (by different applicants to the current). One in 2007 for a 7 storey building for 44 flats which was withdrawn due to concerns from officers with bulk and overlooking and another in 2008 which was for a 7 storey building for 39 flats which was refused due to harm in terms of bulk and massing and impact on the surrounding Conservation Area's.

The scheme would provide 53 units in total consisting of 22 one-bed units and 31 two-bed units. There are 22 parking spaces proposed including 4 disabled access spaces and 54 cycle spaces in 2 stores. There will be an amenity area located between the two buildings.

The King Street façade would be repaired and retained with a new storey being added to the building with a pitched roof, alterations to the rear elevation and a new shopfront. The new building fronting Brewhouse Yard would be sited at the back edge of the pavement and would be of a stepped design with the building being 6 storeys on its eastern side and rising to 9 storeys on its western side. At ground floor level the eastern part of the building would be supported on columns providing access through to the car park, amenity space and refuse and cycle stores at the rear. Proposed materials include grey and red brick, glass, concrete on the lower section and a green roof.

The proposed development would provide a net increase of 53 units which offers a notable contribution to the Borough's housing supply, would redevelop a vacant site in the town centre and restore the King Street façade. The proposal is considered acceptable, or would be subject to minor modifications or conditions, in respect of sustainability, refuse storage and collection, parking and highways, flood risk and drainage and contaminated land. In respect of affordable housing, should Members consider the proposal acceptable the Viability Appraisal submitted would need to be independently reviewed to ensure it is the case that no affordable housing can be provided.

The proposed 6-9 storey building however, due to its height, bulk and massing would have adverse impacts on surrounding listed buildings, conservation areas and strategic views as well as the Borough's townscape and would be an overbearing building, which is not sympathetic to its location. The NPPF sets out that great weight must be afforded to the conservation of designated heritage assets. The proposal would also not protect the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) as the tariff has not been paid and would be harmful to the amenity and privacy of occupiers and neighbouring properties by virtue of being overbearing, overlooking and undersized private amenity space provision.

In response to Members questions on the clarification of the application, the Senior Planner explained that:

- The rear auditorium section of the cinema fronting Brewhouse Yard was not included in the conservation area, but it sits adjacent to both the King Street Conservation Area and the High Street and Queen Street Conservation Area. It did not have the same architectural and historic interest as the front section fronting King Street. Nonetheless the impact on the adjoining conservation areas still needs to be assessed.
- It was confirmed that the security advice provided by the Kent Police Designing Out Crime Officer had not been pursued due to the fundamental issue with the application.
- In response to a question about accessibility, the Senior Planner confirmed there were no Highway objections.

The Committee heard the views of a public speaker in favour of the application. Following the address by the public speaker, Members had their questions answered:

- The timeline for this application provided by the speaker was stated as the pre-application was submitted on 30 June 2020, written feedback was received in December 2020, full planning permission was submitted on 13 April 2021 with Gravesham requesting an extension in July 2021.
- The Chair queried the comments made by the GBC Conservation Architect as part of the pre-application advice and why this was not adhered to.

- No affordable housing has been provided in this application. The viability assessment was not submitted as part of the initial planning application and was provided to the Council in August 2021. This has not been independently reviewed for reasons explained in the report.

The Committee heard from Cllr Lee Croxton, a Ward Councillor for Riverside.

Cllr Croxton outlined the reasons he was in favour of the application and urged the Committee to support the application stating: Gravesham is a town where retail is struggling, Residents of 53 flats will provide extra footfall in the local area. Cllr Croxton has not yet received the Conservation comments. The additional 53 flats will also contribute to the Gravesham housing number. This site has been derelict for some time now.

The Team Leader (Development Management) fielded questions from Members and explained that:

- A member debated that if residents were not actually living in the town they were not using the local shops and restaurants and therefore not making Gravesham a vibrant place it could be while agreeing the development may be too high.
- The Team Leader (Development Management) reported that in section 6.23 it discussed the “stepped down” element of the proposal and the concerns from the Planning Officers at the pre-planning stage. Despite the pre-application concerns regarding the height of the building, this was not changed for the application and it did not follow the Council’s recommendations.
- A site visit was suggested as there were a number of issues that needed addressing and would be easier to be on site.
- Members agreed the cinema site needed to be redeveloped and leaving it as a derelict building was not an option but the right application had to be approved.
- The height of this proposal was of concern, this application provided a building that in the opinion of Members was an overbearing structure.

The Chair summarised Members concerns and suggested they defer the application for one cycle of the Planning Committee to allow a site visit to be undertaken. Cllr Francis seconded this proposal.

The Chair thanked the registered speaker, Cllr Croxton and the officers for the detailed report.

**Resolved** that the application be DEFERRED for one Cycle of the Planning Committee to allow a Site Inspection to be undertaken.

Deferral: 8 Members  
Cllr Rice not being present for this item and, therefore, not voting

Note: (a) Mr Alex Richards (Architect) (in favour) addressed the Committee.  
(b) Ward Councillor Lee Croxton spoke with the leave of the Chair

### **32. 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 9.15pm