

Planning Committee

Wednesday, 24 November 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 John Burden and Councillor Jordan Meade were also in attendance

Shazad Ghani	Service Manager (Planning)
Faye Hobbs	Team Leader (Development Management)
Rebecca Harrison	Senior Planner
Katherine Parkin	Senior Planner
Laura Caiels	Principal Lawyer – Place Team
Julie Francis-Beard	Committee Services Officer (Minutes)

33. Apologies for absence

No apologies for absence were received.

34. To sign the Minutes of the previous meeting

The minutes of the meeting of the Planning Committee held on Wednesday, 27 October 2021 were agreed and signed by the Chair.

35. Declarations of Interest

Cllr Rice declared an Other Interest in relation to application Item 5b – 20211213 – Tranklyn, Wrangling Lane, Luddesdown, Gravesend as he was one of the Ward Councillors. Cllr Rice removed himself from the Planning Committee and spoke only as a Ward Councillor. Cllr Rice did not participate in any discussions and did not vote on this item.

Cllr Rice declared an Other Significant Interest in Item 5D – 20210453 Former Cinema Site, 11 King Street, Gravesend Kent as he is a Director of Rosherville Limited, a Local Authority Trading Company (LATCo). The LATCo is bringing forward The Charter development. As he considered that the interest may reasonably be regarded as affecting the financial position of Rosherville Limited, Cllr Rice withdrew from the meeting for the duration of the item.

36. Planning applications for determination by the Committee

36.1 20211047 - 25 The Avenue, Gravesend, Kent, DA11 0NA

The Committee considered 20211047 in relation to 25 The Avenue, Gravesend, Kent DA11 0NA. The application was for the retrospective application for change of use from a dwelling house to an 11no. bedroom house of multiple occupation (HMO).

The internal alterations to the ground floor create 4 bedrooms, a kitchen/sitting area and two WC/shower rooms. The first floor contains 4 bedrooms, a bathroom and a WC/shower room, and the second floor has 3 further bedrooms. There are no external alterations.

The Senior Planner introduced application 20211047 to the Committee and highlighted key points from the report.

- The site lies close to the town centre in a mixed residential area, and in the Pelham Road / The Avenue Conservation Area. The property is one of a group of large semi-detached houses of identical design. The area is mainly residential but includes a mix of residential uses, including supported accommodation (No. 2) and bedsits (Nos 4 and 17) and other HMO's (Nos 5 and 15).
- Due to the size of the property (over 3 bedrooms), its suitable location and existing mixed residential use of the area, an HMO use is considered appropriate for this site, and complies with the requirements of saved Policy H5 of the 1994 Local Plan and Policy C14 of the 2014 Core Strategy.
- There are no proposed external alterations, which will retain front and rear gardens as existing. The proposal is therefore considered to preserve the character and appearance of the application site its and the surrounding Conservation Area.
- The site had permission earlier this year for a single storey rear extension, which will now be used to provide bedrooms. There are 4 bedrooms on the ground floor, two of which are accessed through the shared kitchen/sitting space, which is the only shared space provided for the whole house and its 11 residents. There are also two separate WC/shower rooms on this floor.
- There are a further four bedrooms on the first floor, together with a separate bathroom and shower room.
- There are three further bedrooms in the roof space of the house. It is not clear how many occupants there will be per bedroom as no room layouts had been provided. If any of the bedrooms are intended to be double rooms, there could be between 11 and 22 occupants at the property. However, the application had been assessed on face value and in relation to 11 persons.
- The main concern with the proposal relate to the impact on the amenity of the any future occupiers of the HMO. The Council has a Guidance to Amenity Standards document that is intended to assist in the provision of accommodation in HMOs that contributes to a safe and healthy environment for occupants and visitors. The guidance includes minimum bedroom sizes, which much be met to comply with the requirements on HMO licences.
- The amenity standards set out that a bedroom occupied by a person over 10 years old should be a minimum of 6.51 square metres. Room 10 scales off at 6.3 square metres, and is clearly below the required minimum standard.
- The size of the kitchen and dining space is also over 10 square metres below the required minimum standard (33 square metres) for an HMO that will house at least 11 persons. There is a concern that the proposal does not provide adequate living accommodation for future occupants and would result in cramped accommodation for them. There are other amenity concerns including the top floor bedroom being too far

from the only communal area in the house, and a lack of detail about whether appropriate mechanical ventilation, wash hand basins, and refuse storage can be provided in the property.

- Other planning considerations include issues of neighbour amenity. As no external changes are proposed, there are not adverse impacts on light or privacy for neighbouring properties. Noise, disturbance and matters of crime and anti-social behaviour have also been raised by neighbours, but there is no evidence that substantial or sustained levels of harm would result from the proposal, or indeed that this has occurred from similar uses in the area.
- Parking concerns had also been raised. Given the accessibility of the site to public transport and town centre services and facilities, there is no parking requirements for the proposal. Bicycle and motorcycle provisions could be made at the site. Therefore, there are no highway concerns.

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

- The communal area was confirmed as being 22 square metres.
- Following a question from a Member regarding whether a HMO required a licence, the Senior Planner confirmed that they do have a licence in place and another department in the Council issued it.
- Gravesham Borough Council follows the same standard room sizes as advertised on the website Shelter and they are 6.5 square metres for 1 person, 10.22 square metres for 2 people and 4.64 square metres for children under 10 years old.
- The Service Manager (Planning) explained that you would not require planning permission for HMOs for 6 people or less normally. If there were an increase in the number of bedrooms, a requirement fee would need to be paid reflecting the increase in numbers with regards to the SAMMS tariff. The Chair discussed the SAMMS tariff and if there was a requirement to pay the tariff in relation to this application.
- The Senior Planner informed the Committee that they did not have the exact distance from the top floor to the communal area. The HMO Amenity Standard document states that there should only be one floor between the bedrooms and the communal space, in this property there would be two floors between.

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 registered speaker confirmed that bedroom 10 would be removed as a bedroom and could be used as a communal area if required. The Service Manager (Planning) confirmed that although the applicant had been dealing with Private Housing in getting their licence it was not in conjunction with the Planning Officers. The Chair reminded the Committee they were there to determine the application that was in front of them.
- The size of the room that would be given up for living space was 6.5 square metres and the recommended size is 6.51 square metres so that would not meet the minimum requirement.
- The Chair asked given the scale, the location, the frontage and side entrance how far did they engage with the local residents. The registered speaker responded that no engagement had been taken.

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

- The registered speaker explained that they had had no contact with the Agent/Applicant of the property even though they lived opposite.

The Committee heard from Cllr Baljit Hayre, a Ward Councillor for Pelham Ward and spoke against the application for the following reasons:

- The site is located within a high degree of residential properties, there is a lack of parking spaces and increased on-street parking and additional parking due to the station being close by.
- There could be an increase in noise levels with 11-22 people using the HMO.

The Team Leader (Development Management) fielded questions from Members and the following discussions were had:

- There was a discussion regarding the applicant working closely with a different part of the Council and not specifically the Planning Team and there had been a slight conflict about the information given. The applicant should wait for planning to be approved before requesting information/advice from other departments.
- Intensive use of the site and particularly worrying for the future HMO occupants.
- Parking is a serious issue.
- The kitchen space and living space recommended should be 59 square metres; the size in this property is currently 23 square metres.
- The Chair reminded Members that the Officers report showed that 11-22 residents could share the communal space, which is well below the standard requirement.
- Officers identified issues with refuse collection and disposal along with on-street parking and the impact on public services. The Chair confirmed that although the applicant had been working with one part of the Council, they had not been working with the Planning Team.
- The Vice Chair moved the application as refusal.

The Chair thanked the registered speakers, Cllr Hayre and the officers for the detailed report.

Resolved that application 20211047 be **REFUSED** Planning Permission as per the Officer recommendation set out in the main Agenda

1. The proposed development would fail to comply with the Guidance to HMO Amenity Standards in respect of the living conditions for future occupants of the proposed HMO, with regard to inadequate provision of acceptable kitchen/living/dining and bedroom spaces, and the failure to demonstrate appropriate provision for hand wash basins, bathroom ventilation, and refuse storage. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the Guidance to HMO Amenity Standards 2006, saved Policy H5 of the Gravesham Local Plan First Review 1994, Policy CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraph 130 of the National Planning Policy Framework 2021.
2. The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 174 and 180 of the National

Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Refusal: Unanimous

Note: (a) Mr Jasbir Dosanjh (Applicant) in favour) addressed the Committee
(b) Ms Mollie Luckhurst (Objector) addressed the Committee.
(c) Mrs Julia Davies (Objector) addressed the Committee.
(d) Ward Councillor Baljit Hayre spoke with the leave of the Chair

36.2 20211213 - Tranklyn, Wrangling Lane, Luddesdown, Gravesend

Cllr Rice moved from his seat on the Planning Committee to the Ward Councillor's seat and only spoke as a Ward Councillor for the duration of this item.

The Committee considered 20211213 in relation to Tranklyn Wrangling Lane Luddesdown Gravesend. The application was for the erection of replacement dwelling and associated works.

The Service Manager (Planning) introduced application 20211213 to the Committee and highlighted key points from the report.

- The proposal before Members is for the erection of a replacement dwelling.
- The application site is a detached bungalow located within the Green Belt and an Area of Outstanding Natural Beauty (AONB). The previous application, refused in June 2021, was identical to this application.
- The proposal before Members is for the replacement dwelling to be built further east within the site
- The site falls away towards the east and the applicant is seeking to utilise the change in topography to build a larger building, with a similar ridge height to the existing dwelling.
- The applicant's landscape work identifies that the site is well screened by existing trees, the applicant's landscape work sets out there would be minimal to no landscape effects, with some beneficial effects, however as set out in the report, this is disputed.
- The applicant's main reason for submitting the application has been to seek the Council's views on the NPPF's requirements as set out in Para 149. and whether or not the development is considered to be materially larger.
- The term 'materially larger' is not defined in the NPPF, but as set out in the report has been considered by Courts, Court judgements set out that factors such as footprint, floor space, volume and massing should be considered, with floor space being an important factor.
- The proposed replacement dwelling would be 87% larger than the original dwelling.
- Further analysis showed that there is a significant increase in size and bulk, which has resulted in materially larger footprint and massing of the dwelling.
- Paragraph 147 of the NPPF stated that inappropriate development is, by definition, harmful to the Green and should not be approved except in very special circumstances, taking into account Paragraph 148 of the NPPF, no such case had been put forward during the application.

In response to Members questions on the clarification of the application, the Service Manager (Planning) explained that:

- The Service Manager (Planning) explained that the Planning Officer could not confirm what would be acceptable regarding paragraph 149 which states the replacement of a building is an exception to green belt policy, subject to the new building being in the same use and not materially larger than the one it replaces.
- Pre-planning advice was not sought for this application following the previously refused application.
- The Chair asked that although this property was in a Green Belt area, there had been no objections from Kent Downs AONB Management Unit, no neighbour objections, no issues with highways and it seemed the issue was principally the size of the replacement dwelling in comparison with the current dwelling. It was confirmed that this was the case.
- The actual structure is materially larger than the existing property even though it is located on a different part of the site this does not comply with the NPPF. Planning Permission was originally granted for a rear extension to the existing building but this new proposal is much larger.
- Although there are outbuildings within close proximity of the dwelling, they are not factored into the analysis of this application.

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 Applicant's health issues were discussed and the layout of the existing property and how this affected her day-to-day life.
- The Applicant's medical issues were not included in the Planning Application as very special circumstances.
- Energy efficiency was discussed regarding the existing dwelling and how inadequate it was with leaky roofs, mould under the windows and this was not helping with any medical issues. The proposed dwelling would have a heat sourced system and solar panels on the roof.
- A Cattery Business that was being run, had now closed and the Applicant was prepared to offer up removal of the outbuildings associated with this use to gain Planning Permission for the new dwelling.
- The Chair asked if the replacement dwelling was permitted, if the existing dwelling would be demolished and returned to open Green Belt area. The registered speaker confirmed this would be the case, and discussed that there was an outbuilding at the back of the property that is currently higher than the proposed dwelling and that could also be demolished.
- The Landscape Impact Assessment explained it would make the area slightly better, which would give them a positive impact.

The Committee heard from Cllr Tony Rice, a Ward Councillor for Luddesdown.

Cllr Rice was of the opinion that possibly the existing policies we have are out of step with the National Planning Policy Framework. Gravesham's policy stated a replacement dwelling in the Green Belt and AONB should be no greater than 33% of the existing floor area, however the NPPF did not follow this approach. Cllr Rice has researched the policy approaches of other Councils and they seemed to be more open to interpretation in context of size. Fundamentally, this issue caused Cllr Rice to call this application in to have a further debate

on and he was in favour of this application.

Cllr Rice took the view that that the spirit of the NPPF was to preserve the landscape, to stop the sprawl, to enhance and protect the AONB. The location is in Luddesdown, which whilst a large parish only actually has 78 dwellings with most of those being in Henley Street and the rest are in the Green Belt, 14 properties are in Wrangling Road. Luddesdown Parish Council and the AONB had no objections. The Applicants are currently living in what can be described as a log cabin. They are not overlooked and it would a struggle to see this property in any circumstances. The proposed dwelling would be lower than the existing property and will be based in a lower valley. The existing footprint of the current dwelling will not be much different from the footprint of the new dwelling.

The Chair thanked Cllr Rice for his comments.

The following points were raised during discussion on this application:

- The Vice Chair stated the proposals of the application did not demonstrate the very special circumstances and asked how far medical matters will go towards the deciding the application. The Service Manager (Planning) explained that medical evidence would be required including information from the NHS, the applicant would also need to show evidence that they are unable to alter the existing building to enable it to be brought up to standard and that there are no alternative properties in the area that would meet their requirements. It was clarified that the applicant did not supply special circumstances required for this application.
- The Chair indicated that the Applicants have close ties with the area and may not find a suitable replacement in a different area.

The Service Manager (Planning) fielded questions from Members and the following discussions were had:

- Members considered whether there was any additional 'other harm' resulting from the proposal and considered the specific circumstances of the applicant, and in particular the applicants specific medical history and whether or not that amounted very special circumstances needed to approve the application.
- Information from the Design and Access Statement was discussed, as well as specific health related questions posed to the applicant. Members advised the applicant that if there had been more information regarding personal circumstances included in the design and access statement from the applicants it could have helped the Planners.

The Chair summarised and asked Members to focus on the application before them. Including that the proposal was materially larger than the existing dwelling but that this needed to be balanced against the information the registered speaker and Cllr Rice had given in relation to very special circumstances..

The personal needs of the occupants need to be looked at as well as the inefficiencies of the current dwelling and context of the location.

The existing dwelling, once returned to garden, would have less of an impact on the Green Belt than the replacement dwelling. The energy efficient replacement dwelling would contribute towards addressing the climate emergency and it would be fit for purpose, for the applicants to enjoy the proposed dwelling for some time and allow the specific health requirements of the applicant to be catered for.

The Vice Chair summed up the application and proposed this application be accepted with conditions. Cllr Lane seconded the proposal.

Resolved that the application be **APPROVED** Planning Permission, as the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations (which include consideration of the applicants health, availability of suitable accommodation in the area, and possibility of extending/improving/ redeveloping the applicant's existing home), which when taken together amount to the very special circumstances necessary to justify the development, subject to conditions which include permitted development rights being removed.

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

Approved: 8 Members
Cllr Tony Rice was not present for this item and, therefore, did not vote.

Note: (a) Mrs Clair Phelps (Applicant – in favour) addressed the Committee.
(b) Ward Councillor Tony Rice spoke with the leave of the Chair.

36.3 20210453 - Former Cinema Site, 11 King Street, Gravesend, Kent

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

The Committee considered 20210453 in relation to Former Cinema, 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 Chair reminded the Committee that at the previous meeting there had been a good debate about this application and that it had been deferred for a site inspection and the Senior Planning Officer would summarise the main points of the application.

The application had been considered at the 27 October Planning Committee where Members resolved that the application be deferred for one cycle for a site inspection, which took place on 13 November.

The Supplementary Report in the pack set out the discussions held at that inspection.

There had been no new information accepted by officers on this application since the October meeting and therefore no changes to the original report.

As set out in the main and supplementary report, the proposed development would provide a net increase of 53 dwellings, develop a vacant and underused site, be a sustainable form of development in terms of location and construction methods, be acceptable in relation to parking and highway safety, refuse, flood risk and drainage and contaminated land (subject to conditions).

However, notwithstanding the proposed development would be unacceptable in design and heritage terms, the amenity of occupiers and neighbouring properties and would not protect the Thames Estuary and Marshes Ramsar site and Special Protection Area.

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

- On 17 November, following the site inspection, Planning did receive a pack of revised information from the Agent but due to the scale of changes being proposed there would need to be a full review. Not all the necessary supporting documentation was attached. A consultation of neighbouring properties and full assessment by officers would need to be undertaken. As this was not possible before the date of this Committee, it was suggested to the Applicant/Agent that the application be withdrawn and a new application submitted. The Applicant/Agent did not want to withdraw the current application and wished to proceed to this Committee.
- The Team Leader (Development Management) explained that the additional information was not requested by the Planning Officer, it was submitted by the Agent following the site inspection. Due to the lack of time, the additional information could not be reviewed fully by the date of this Committee.
- The Chair reminded members that Officers would need time to consider the implications of the revised amendments.

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 Chair explained that the additional information had been submitted on 17 November and this Committee was held on 24 November, there was not enough time to review all the amendments and for the information to be in the public domain.
- The registered speaker informed the Committee they were informed they could withdraw the application and resubmit with all the relevant documentation but it was felt that would take too long to be able to come back to the Committee.
- No affordable housing would be included in the revised application.

The Team Leader (Development Management) fielded questions from Members and the following points were discussed:

- It was agreed that the site needed some form of development but it had to be the right development.
- The Chair reminded Members that they can only determine the application that is in front of them. If they were minded to defer this application, under the Constitution, there is no time frame stated in which this application has to come back to Committee. Officers will need to look and review all the supporting information and undertake the consultation.
- Concerns were raised regarding affordable housing and Members felt that scheme should include this.
- The height of the application was an issue but following the site inspection the Agent/Application had proposed to reduce the height by 2 storeys.
- Communication between the applicant and officers needs to take place.
- The Chair confirmed that if this application was deferred the Committee would be determining a revised application not a new application.
- The Leader of the Council spoke with the leave of the Chair, and explained that although there is a drive on the delivery of new housing units, Gravesham must make sure that it is the right development for the site. Officers need time to be able to review this revised application and it may be that this application does not come back for a few cycles of the Planning Committee. It has to be a good scheme, the applicant

- needs a good scheme and the area needs a good scheme.
- The Chair thanked the leader and said it was not about time constraints but we need all the information and then we can make the right decision.

Cllr Jassal recommended a deferral until all the information had been processed and Cllr Craske seconded the recommendation.

Resolved that the application be **DEFERRED** Planning Permission, for the following reasons:

1. The amended plans received prior to the meeting to be assessed for further negotiations to take place.
2. Consultations to be undertaken.
3. The Applicant to provide supporting revised documentation
4. To produce a revised financial viability statement on the impact of the revised Scheme including delivery of affordable housing. Once this has all be completed, this will then be brought back to the Committee to be determined.

Deferral: 8 Members
Cllr Tony Rice was not present for this item and, therefore, did not vote.

Note: (a) Mr Mark Batchelor (Planning Consultant – in favour) addressed the Committee.
(b) Councillor John Burden spoke with the leave of the Chair

36.4 20200898 - Meopham Valley Vineyard, Meopham Green, Meopham, Gravesend, Kent DA13 0PY

This Planning Application was withdrawn.

37. 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 9.32 pm