

## DEVELOPMENT CONTROL COMMITTEE

### Minutes of the meeting of the Development Control Committee held on 16 February 2012 commencing at 7.00 pm

Present: Cllr. Williamson (Vice-Chairman in the Chair)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Mrs. Parkin, Piper, Scholey and Miss. Thornton

Apologies for absence were received from Cllrs. Mrs. Dawson, Underwood and Walshe

Cllrs. Ayres, Mrs. Davison, Eyre and Grint were also present.

#### 62. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 19 January 2012 be approved and signed by the Chairman as a correct record.

#### 63. Declarations of Interest or Predetermination

Cllr. Dickins declared that he intended to speak as the local Member on item 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks. He did not take part in the debate or votes on the item.

Cllr. Piper declared personal interests in items 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks, 5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks, 5.03 - SE/11/02774/FUL: 46 South Park, Sevenoaks and 5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road as a dual hatted member of both the District Council and Sevenoaks Town Council, which had already expressed views on the matters.

Cllr. Davison declared a personal interest in 5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever.as the local Member.

Cllr. Scholey declared a personal interest in item 5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever.as a dual hatted member of both the District Council and Edenbridge Town Council, which had already expressed views on the matters.

All Members declared a personal interest in item 5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road as Members of the Council.

#### 64. Declarations of Lobbying

Cllr. Dickins declared that he had been lobbied in respect of item 5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks.

All Members of the Committee except Cllrs. Gaywood, Brookbank and Cooke declared that they had been lobbied in respect of item 5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks.

The Chairman declared that he had been lobbied in respect of item 5.04 - SE/11/02698/FUL: High Will Hays, Main Road, Knockholt.

65. Local Government (Access to Information) Act 1985

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

66. Unreserved Planning Applications

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

5.06 - SE/11/03229/FUL: Sevenoaks District Council, Council Offices, Argyle Road

Members' attention was brought to the tabled Late Observations sheet.

It was MOVED and was duly seconded that the recommendation in the report be adopted.

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1001/037/01, 02, 03, 04, 05, 06, 07, 08, 09, 10.

For the avoidance of doubt and in the interests of proper planning.

67. Reserved Planning Applications

The Committee considered the following planning applications:

5.01 - SE/11/03008/OUT: 48 The Moor Road, Sevenoaks TN14 5ED

The proposal sought outline approval for the erection of an end of terrace property. Details included in the application were access, appearance, layout and scale. Landscaping was the only reserved matter.

Officers considered that the principle of development was acceptable. The proposed house would also preserve the character and appearance of the street scene, as it was similar in design, height, depth and width to the existing terrace. It preserved neighbouring amenity and highways safety. It provided sufficient off-street parking and a suitable financial contribution towards affordable housing. Even though it would be carried out on a greenfield site there was a significant amount of weight in favour of the development and therefore was acceptable.

Members' attention was drawn to the tabled Late Observations sheet.

It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Ian Hart
For the Application:	-
Parish Representative:	Cllr. Baker
Local Member:	Cllr. Dickins

Officers believed that the application would result in a gain of 2 off-road parking spaces, disregarding the existing garage, and the loss of 2 informal on-road spaces due to the need for access to the off road spaces. Current parking on the street was uncontrolled and informal. The applicants had no obligation to other residents on the street.

Members considered that Kent Highways may not be aware of how problematic the parking could become and they commented that the situation would be exacerbated if there were more residents in the street. There were already difficulties for emergency and refuse vehicles in turning at the end. Officers reminded Members that the proposal provided off street parking for both the existing and proposed dwelling in a road where most properties had no off-street parking..

Members considered that the current occupant of no.48 could suffer an unacceptable loss of amenity. The proposed, retained garden was unacceptably small and smaller than others in the area, including other dwellings in the same terrace further north. There would also be a reduction in sunlight to that amenity area. Together these had a cumulatively unacceptable impact on amenity.

Members also expressed concern at the impact of the dwelling on the street scene. They considered that adding an additional dwelling to the end of the terrace would extend and unbalance the terrace to the detriment of the street scene which was characterised in this area by a series of terraces each of six units.

It was noted the s.106 agreement for affordable housing had not yet been completed and that without the agreement being signed there was no mechanism in place to secure the contribution required under Core Strategy Policy SP3.

It was MOVED and duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used his casting vote against the motion. The Chairman declared the motion to be LOST.

It was then MOVED by the Chairman and duly seconded:

“That planning permission be REFUSED for the following reasons:

- 1) The proposal would harm the character and appearance of the street scene because the bulk, scale and form of the terrace that would result from the construction of an additional dwelling on the end of the terrace would not be in keeping with the adjoining terraces of properties. This conflicts with policy EN1 of the Sevenoaks District Local Plan.
- 2) The proposal would result in unacceptable harm to the residential amenities enjoyed by the occupants of 48 The Moor Road because of the small size of the plot that would result, particularly the small rear amenity area, and the loss of light and sunlight to the property. This conflicts with policies EN1 and H6B of the Sevenoaks District Local Plan.
- 3) The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Core Strategy.”

The motion was put to the vote and there voted –

8 votes in favour of the motion

5 vote against the motion

Resolved: That planning permission be REFUSED for the following reasons:

- 1) The proposal would harm the character and appearance of the street scene because the bulk, scale and form of the terrace that would result from the construction of an additional dwelling on the end of the terrace would not be in keeping with the adjoining terraces of properties. This conflicts with policy EN1 of the Sevenoaks District Local Plan.

2) The proposal would result in unacceptable harm to the residential amenities enjoyed by the occupants of 48 The Moor Road because of the small size of the plot that would result, particularly the small rear amenity area, and the loss of light and sunlight to the property. This conflicts with policies EN1 and H6B of the Sevenoaks District Local Plan.

3) The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Core Strategy.

5.02 - SE/11/02864/FUL: Denada, Solefields Road, Sevenoaks TN13 1PJ

The proposal was for approval of the erection of a two storey extension that would project to the front of the main house and to the southern flank of the property. A subterranean basement was also proposed under the planned extension. The addition would result in alterations to the existing property including a first floor extension to the southern end of the property, over an existing single storey side projection. The design was Mediterranean.

Officers considered that the proposed extension and alterations would preserve neighbouring amenity. However, due to the size and scale of the proposed extension and the prominent position of the property in the plot it was considered that the proposal would have a detrimental impact upon the character and appearance of the street scene.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: Nicholas Skelly
- Parish Representative: Cllr. Eyre
- Local Member: -

Members enquired what the significant differences were between the application and the permission which was granted in 2008. The Officers felt that, under the previous permission, the garage was not as high as the extension proposed. The garage would also have been detached. That permission had now lapsed, though.

Some Members agreed with the parish representative that there was a variety of architectural styles on the road and the proposed development would not be out of keeping. The bulk of the property would not be dissimilar to the proposal granted permission in 2008.

Members felt the distance of 30m to the adjoining dwelling meant that neighbours' concerns of overlooking and loss of privacy were unpersuasive. There were already windows on that side of the site.

Members felt that, if permission were granted, it was important that conditions be included for the protection of trees on the site. They noted the Tree Officer felt the proposals on the margins of acceptability for 2 trees.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

4 votes in favour of the motion

9 votes against the motion

***The Chairman declared the motion to be LOST.***

It was then MOVED and duly seconded:

“That planning permission be GRANTED on the grounds that the impact of the proposal on the character and appearance of the street scene was acceptable SUBJECT TO the delegation to the Head of Development Services to impose appropriate conditions such conditions to be agreed in association with the local members.”

The motion was put to the vote and there voted –

11 votes in favour of the motion

0 vote against the motion

Resolved: That planning permission be GRANTED on the grounds that the impact of the proposal on the character and appearance of the street scene was acceptable SUBJECT TO the delegation to the Head of Development Services to impose appropriate conditions such conditions to be agreed in association with the local members.

#### 5.03 - SE/11/02774/FUL: 46 South Park, Sevenoaks, Kent TN13 1EJ

The proposal sought the extension of no.46 South Park to its side and rear to infill the gap between nos. 46 and 44. No.46 was currently in occupation as four self-contained flats and the extension would result in three additional self-contained flats.

Officers considered that any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed and the development would preserve the special character and appearance of the Conservation Area.

An affordable housing contribution as required by Policy SP3 of the Sevenoaks Core Strategy 2011 had been informally agreed but the necessary S106 Agreement had yet to be signed. It was recommended that a period of four weeks from the date of the committee be given to allow for the receipt of an acceptable s.106 undertaking, otherwise the application be refused.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application: Adam Saunders

For the Application: -

Parish Representative: Cllr. Short

Local Member: -

A Member was concerned that the affordable housing contribution was only 18% of what was usually expected from a development with its valuation. Officers explained that it was because a higher contribution would make the proposal unviable. The Council had sought a viability report from the applicants and it was independently verified. Policy SP3 and the affordable housing SPD stated that there can be reductions in affordable housing provision where the development would otherwise not be viable. Members agreed this was a matter which may need to be considered elsewhere.

In response to a question, an Officer confirmed that the density of the proposal was 70 dwellings per hectare. Though there was an aim of 40 per hectare this was subject to SP7 and questions of good design and how the density compared to the surrounding area and character. It was not a rigid figure and could rise above it.

Members felt that in the circumstances of this case 70 dwellings per hectare was an overdevelopment. Several Members were concerned by the design of the proposal, both in its scale and appearance, and agreed with the speakers that it would not fit well with the neighbouring properties and would be detrimental to the character and appearance of the Conservation Area. Members also highlighted the limited car parking provision currently on-site and concern was expressed that this was inadequate. Whilst noting that the development proposed one space per unit for the new flats, Members commented that the extent of building proposed restricted the scope to add to existing provision to serve the expanded development..

Members also expressed concern at the impact on the adjoining dwelling No 44 South Park and thought that the impact on amenity to this property was significant and a result of the overdevelopment of the application site.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

2 votes in favour of the motion

11 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That planning permission be REFUSED on the following grounds:

1) The extension, by virtue of its scale and appearance and the number of additional units proposed, would constitute overdevelopment of the site at a density that is not consistent with achieving good design. As a result, the development would not be in keeping with the character and appearance of

the current building, would not preserve or enhance the character and appearance of the conservation area, would restrict the scope for additional parking to be provided and would result in an overbearing impact upon the neighbouring property no.44. To permit the development would therefore be contrary to Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policies EN1 and EN23 of the Sevenoaks Local Plan and guidance contained within Planning Policy Statement 5: Planning and the Historic Environment.

2) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.”

The motion was put to the vote and there voted –

12 votes in favour of the motion

1 vote against the motion

Resolved: That planning permission be REFUSED on the following grounds:

1) The extension, by virtue of its scale and appearance and the number of additional units proposed, would constitute overdevelopment of the site at a density that is not consistent with achieving good design. As a result, the development would not be in keeping with the character and appearance of the current building, would not preserve or enhance the character and appearance of the conservation area, would restrict the scope for additional parking to be provided and would result in an overbearing impact upon the neighbouring property no.44. To permit the development would therefore be contrary to Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policies EN1 and EN23 of the Sevenoaks Local Plan and guidance contained within Planning Policy Statement 5: Planning and the Historic Environment.

2) The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.

#### 5.04 - SE/11/02698/FUL: High Will Hays, Main Road, Knockholt TN14 7JH

The proposal was for the erection of a two-bedroom bungalow on land adjacent to High Will Hays and the erection of a triple garage to serve both the existing and proposed properties.

Officers considered that the proposed development would protect the character and appearance of the street scene, neighbouring amenities and highways safety and provided both sufficient off-street parking and a suitable financial contribution towards affordable housing. Even though it would be carried out on a greenfield site there was a significant amount of weight in favour of the development and therefore was acceptable. The site was within the settlement confines of Knockholt.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:



Against the Application: -

For the Application: -

Parish Representative: -

Local Member: Cllr. Grint

Officers confirmed that the previous application for the site in 2011 was only refused for the lack of affordable housing contribution. The present proposal was in essentially the same position as that the one in 2011. Officers stated that the appeal dismissed in 2010 had related development on a different part of the High Will Hays plot and that this proposal did not have the same impacts.

A Member asked about the density of the development proposed and it was stated that the density was 16.6 dwellings per hectare.

It was MOVED and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, be adopted. The motion was put to the vote and there voted –

10 votes in favour of the motion

4 votes against the motion

Resolved:

RECOMMENDATION A: That subject to the receipt of a signed and valid S106 Obligation relating to secure the off-site affordable housing contribution, that authority be delegated to the Community and Planning Services Director to issue the decision notice and any required amendments to the conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 and CC4 of the South East Regional Plan and Policy SP2 of Sevenoaks District Council's Core Strategy.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting),-written specifications (including cultivation and other operations associated with plant and grass establishment),-schedules of new plants (noting species, size of stock at time of planting and proposed number/densities where appropriate), and-a programme of implementation.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) All hard and soft landscaping works shall be carried out before the building is occupied. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) No extension or external alterations shall be carried out to High Will Hays or the dwelling hereby granted permission despite the provisions of any Development Order.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the means of protection of the hedge on the western boundary are to be submitted and approved in writing by the Council. The means of protection shall be maintained until all equipment, machinery and surplus materials have been removed from the land.

To prevent damage to the hedge during the construction period as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the visual appearance and residential amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

9) No development shall commence until the details of the allocation of spaces within the proposed garage have been submitted for approval in writing. These shall show provision for one car space for the approved new dwelling and two spaces for the existing dwelling.

In the interests of road safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

10) No development shall commence on the new dwelling until the garage hereby approved has been erected and made available and allocated in accordance with the approved plans and details and the information provided for condition 9 above.

In the interests of road safety as supported by Policy EN1 of the Sevenoaks District Local Plan.

RECOMMENDATION B:

If by 16<sup>th</sup> March 2012 a completed and satisfactory S106 Obligation has not been signed and agreed by the Council, that planning permission be REFUSED for the reasons set out below:

- 1) Lack of affordable housing provision

At 9.25 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.30 p.m.

5.05 - SE/11/02650/VAR106: Graceful Gardens Ltd, Hever Lane, Hever TN8 7ET

The proposal was for the revocation of a section 106 agreement dated 11 November 1993 in relation to planning application ref SE/93/0845.

Officers considered that the principal issue in consideration of the request was whether the agreement had any useful purpose given changes in the planning status of the property since the agreement was signed. The reason for the revocation of the section 106 agreement was not related to planning policy and was not based on consideration of the planning merits of the land or use. It was purely based on the fact that following the Certificate of Lawful Development issued in 2006 the unit was no longer tied to agricultural occupancy and therefore a section 106 agreement based on its agricultural occupancy was no longer relevant.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

- Against the Application: -
- For the Application: -
- Parish Representative: Cllr. Pearman
- Local Member: -

Members accepted that the condition in the planning permission which restricted occupation of the dwelling to a person solely or mainly occupied in the locality in agriculture was now redundant following the issuing of the Certificate of Lawfulness which confirmed the lawfulness of the occupation of the property in non compliance with condition 5 of SE/93/0845.

However, the purpose of Green Belt Policy was to preserve openness and stop fragmentation. Therefore Members considered there was still a purpose to the section 106 agreement preventing the residence being sold separately to the land around it.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and it there voted –

0 votes in favour of the motion

12 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That the section 106 agreement should not be revoked as it continued to serve a useful purpose being to protect the openness of the Green Belt and prevent fragmentation and that delegated authority be given to Head of Development Services to agree the reason for the refusal to revoke the section 106 Agreement together with the local Members.”

The motion was put to the vote and it was unanimously

Resolved: That the section 106 agreement should not be revoked as it continued to serve a useful purpose being to protect the openness of the Green Belt and prevent fragmentation and that delegated authority be given to Head of Development Services to agree the reason for the refusal to revoke the section 106 Agreement together with the local Members.

Members suggested to Officers that they should monitor other developments with agricultural residential conditions and section 106 agreements which were similar to the one considered and review such conditions and agreements regularly to ensure lawful use was being carried out on each. Those which were approaching 10 years since completion should be made a priority for prompt investigation.

THE MEETING WAS CONCLUDED AT 10.18 PM

CHAIRMAN