

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 14 March 2013 commencing at 7.00 pm

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

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Mrs. Dawson, Cooke, Davison and Piper

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

118. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 14 February 2013 be approved and signed by the Chairman as a correct record.

119. Declarations of Interest or Predetermination

No declarations of interest or predetermination were made.

120. Declarations of Lobbying

Cllr. Ms. Lowe declared that she had been lobbied in respect of item Item 4.2 - SE/11/02868/CONVAR - 2 And 3 St Edith Court, St Ediths Road, Kemsing TN15 6JQ.

Cllr. Mrs. Parkin declared that she had been lobbied in respect of Item 4.3 - SE/12/03238/HOUSE - 8 Small Grains, Fawkham DA3 8NT.

All Councillors except Cllr. Mrs. Parkin declared that they had been lobbied in respect of item 4.4 - SE/12/02852/HOUSE - Dorminton, Stonehouse Road, Halstead TN14 7HN.

Reserved Planning Applications

The Committee considered the following planning applications:

121. SE/12/02836/FUL - The Village Pharmacy, 15 Main Road, Hextable BR8 7RB

The proposal was for the change of use of part of the existing pharmacy to a dentist facility. Associated parking of two additional car parking spaces was proposed on the opposite side of the road to the front of No.6 Main Road. The site was located within the settlement boundary of Hextable.

Officers considered that the proposal failed to comply with KCC Vehicle parking standards by failing to provide any additional off-street parking. The proposal would lead to a significant increase in the amount of required off-street parking in an area where

Development Control Committee - 14 March 2013

there was already insufficient dedicated off-street provision. It would increase pressure for motorists to park kerb side in an area where parking restrictions applied, to the detriment of highway safety. Further, the proposed parking to the front of No.6 Main Road, Hextable would result in undue noise and activity levels detrimental to the amenities of the immediate surrounding occupiers.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jeff Haskins
Parish Representative:	Cllr. Austin
Local Member:	Cllr. Ayres

In response to a question Officers confirmed a legal agreement could ensure that the two parking spaces to be provided opposite would only be for use by the dental practice. If the use of the spaces was limited to staff then this would reduce the impact on No.6 Main Road, as there would be fewer car movements. The two parking spaces to the rear of the site were not part of the application.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members suggested that the number of expected site users, as calculated by the Highways Officer, was excessive. Each appointment at the dentist's would take more than 15 minutes. There was adequate parking in the surrounding area, including at the church and the convenience stores, to absorb the change of use.

The Committee noted the comments of the public speakers that the dentist's would be an important addition to local services.

Members indicated they would be willing to approve the application if all 4 parking spaces were part of the application, parking adjacent to No.6 Main Road was limited to use by dental staff and that the applicants were required to submit a travel plan.

The motion was put to the vote and the Chairman declared the vote to reject permission had been LOST unanimously.

It was MOVED by the Chairman and was duly seconded:

"That authority be delegated to officers to approve the application subject to:

1. The receipt of a completed Legal Agreement securing the provision and retention of 2 staff car parking spaces within the curtilage of number 6 Main Road and the provision of an additional 2 spaces for customers/patients elsewhere.
2. A condition be included on the planning permission requiring details of a staff travel plan to be submitted for approval."

The motion was put to the vote and the above motion was unanimously:

Development Control Committee - 14 March 2013

Resolved: That authority be delegated to officers to approve the application subject to:

1. The receipt of a completed Legal Agreement securing the provision and retention of 2 staff car parking spaces within the curtilage of number 6 Main Road and the provision of an additional 2 spaces for customers/patients elsewhere.
2. A condition be included on the planning permission requiring details of a staff travel plan to be submitted for approval.

122. SE/11/02868/CONVAR - 2 And 3 St Edith Court, St Ediths Road, Kemsing TN15 6JQ

The proposal was an application under section 73 of the Town and Country Planning Act for permission for 2 and 3 St. Edith's Court, as approved under application SE/87/2096, without condition 1 of that permission. Condition 1 had removed Permitted Development rights and had been imposed in the interest of the residential amenities of the area. The site was within a Conservation Area.

The report advised that the Committee was to consider whether it was appropriate for the properties to continue to be subject to this restriction. Officers considered that there was no longer any justification for retaining Condition 1 as additional restrictions now applied to permitted development in Conservation Areas. Use of Permitted Development rights would not have an unacceptable impact on neighbours' amenities and would have limited impact on the Conservation Area.

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

The Committee was addressed by the following speakers:

Against the Application:	Graham Palmer
For the Application:	Paul Webster
Parish Representative:	-
Local Member:	Cllr. Miss. Stack

In light of comments made by the agent for the applicant, that the existing condition was unlawful, the Legal Services Manager was invited to comment. He stated that advice received by the Council was that the condition was lawfully imposed at the reserved matters stage as it did not detract from the original grant of outline permission.

Officers clarified that, as the properties were in a Conservation Area, permitted development did not allow for changes to the roof line, two-storey extensions or garages to the front which were not linked to the dwelling.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, to grant permission subject to conditions be adopted.

Councillors could not see that the merits of the condition had changed significantly since it was first imposed. The changes to the permitted development orders were not sufficient to ameliorate the negative impact of any such development. Members noted

Development Control Committee - 14 March 2013

the concern of the neighbour, whose property formed part of the application site, that development could affect the character of the area and the light received by his property.

Members did not believe that the condition had been imposed unlawfully.

The motion was put to the vote and the Chairman declared the vote to have been LOST unanimously.

It was MOVED by the Chairman and was duly seconded:

“That planning permission be REFUSED for the following reason:-

The removal of the condition removing permitted development rights to extend the dwellings, would result in the ability to extend the properties in a way which would be harmful to the amenities of both occupiers by reason of a perception of an enclosing and overbearing presence due to the bulk and location of an extension along the common boundary contrary to policy EN1 of the Sevenoaks Local Plan.”

The motion was put to the vote and it was unanimously:

Resolved: That planning permission be REFUSED for the following reason:-

The removal of the condition removing permitted development rights to extend the dwellings, would result in the ability to extend the properties in a way which would be harmful to the amenities of both occupiers by reason of a perception of an enclosing and overbearing presence due to the bulk and location of an extension along the common boundary contrary to policy EN1 of the Sevenoaks Local Plan.

123. SE/12/02852/HOUSE - Dorminton, Stonehouse Road, Halstead TN14 7HN

The proposal was for permission for the erection of a single storey and two-storey side and front extension together with a rear two storey and single storey addition. The existing dwelling was a large detached property located on a substantial plot of land. The rear garden of the property was situated partially within the Green Belt.

Officers considered that, on balance, the scale, bulk and design of the extension was considered to be acceptable in terms of its visual appearance. It was considered to have no adverse impact on the amenities of adjacent properties.

It was clarified that on the site plan Glowworm Cottage should be called Dormey Cottage and it should not be within the shown application site. 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:	-
For the Application:	Kelly Gleeson
Parish Representative:	Cllr. Ford
Local Member:	Cllr. Grint

Development Control Committee - 14 March 2013

Officers answered Members' questions. Whereas the existing dwelling was approximately 29m from The Lilacs, the proposed extension would be 21m away.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

During debate it was suggested that Dorminton was in a dominant position to The Lilacs due to its higher level; the considerable extension could affect the amenity use of garden at The Lilacs. This impact would be heightened because the swimming pool would be close to the boundary and could create a lot of noise, particularly when the doors were open.

It was noted that the site application was on a large plot and there were already several large houses on the road, which had benefited from extensions and which had swimming pools.

A Member proposed that if the slab level were reduced by 0.5m then there would be less overlooking impact on The Lilacs from the extension. It was also suggested that the wording of proposed condition 5 should be amended firstly to reflect that the application was for an extension and not a complete dwelling, and secondly to add that a timetable for the soft landscaping was to be approved by the Council. Boundary treatment and landscaping could make a considerable difference in making the extension acceptable.

There were no existing plans for where the swimming pool plant room was to be sited. The Committee felt that placing it underground could make a significant difference to the impact on neighbours' amenities. Members requested that openings to the front be kept closed and the entrance to the pool to be in the south elevation. The Environmental Health Team should be consulted to ensure noise levels were at an acceptable level for the residential area.

The motion was altered to add the conditions proposed on glazing, the entrance, slab levels, siting of the plant room and noise levels. The motion was put to the vote and it was –

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 maintain the integrity and character of the dwelling as supported by EN1 of the Sevenoaks District Local Plan.

Development Control Committee - 14 March 2013

3) No window(s) or other opening(s) shall be inserted at any time in the north or east elevation(s) of the extension hereby approved, despite the provisions of any Development Order.

To safeguard the amenities of adjacent residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The window(s) in the west elevation of the two storey side extension at first floor level (which serve the dressing room and front bedroom) the windows shall be obscure glazed at all times and non opening. In addition to this the window(s) along the northern flank of the first floor extension shall be obscure glazed at all times and non opening.

To safeguard the amenities of adjacent residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) No development shall be carried out until a scheme of soft landscaping, including type and size of species has been submitted to the Council for approval in writing. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development. The soft landscape works shall be carried out before the extension hereby permitted is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and policy SP1 of the Sevenoaks Core Strategy.

7) The development hereby permitted shall be carried out in accordance with the following approved plans 2012/39A, 2012/152, 2012/151, In pursuance of section 91 of the Town and Country Planning Act 1990.

In addition to the above conditions, Officers were granted authority to draft additional conditions in consultation with local Members, to protect the residential amenity of surrounding properties, which sought to ensure the following:

1. That the glazing shown at ground floor level on the front of the extension was non opening and fixed shut and provision was made for an entrance to the swimming pool in the front south elevation of the proposed extension.

Development Control Committee - 14 March 2013

2. That plans shall be submitted and approved by Local Planning Authority to show the slab level of the ground floor front extension is 0.5m lower than shown on the submitted plans.
3. That details were submitted and approved by the LPA to show the location of the proposed plant room to serve the swimming pool underground.
4. That officers liaise with environmental services to draft a condition to ensure that a noise management scheme was put in place to ensure that the noise levels experienced outside the swimming pool and proposed extension are at an acceptable level for this residential area.

124. SE/12/03238/HOUSE - 8 Small Grains, Fawkham DA3 8NT

The proposal was for the creation of a first floor extension above the existing ground floor extension. An existing detached garage was located to the rear of the house, which was not original to the dwelling. There were open fields lying beyond the rear garden. The land lay within the Metropolitan Green Belt.

The report stated that strict policies of restraint applied in the Green Belt. The proposed extension was shown to exceed the 50% threshold as stipulated by policy and so the proposal was considered inappropriate development, harmful to the openness of the Green Belt.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

There were no public speakers on this item.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

The Local Member explained that, subject to the garage being demolished, there was a clear benefit in the application being approved. Removing the garage would increase the openness of the Green Belt by allowing greater views through the site to the open space behind. Although the extension would cause harm to the Green Belt this would be outweighed by the benefit gained from demolishing the garage.

Officers confirmed the application would have been acceptable if below the 50% threshold. The light implication on neighbouring properties was acceptable.

A Member noted that, although the garage was to be demolished, the residents would retain the right to install a fence, which would again restrict the view to the open fields.

The motion was put to the vote and there voted –

9 votes in favour of the motion

3 votes against the motion

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

Development Control Committee - 14 March 2013

The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The proposal when taken together with previous development on the land, would cumulatively add to the built form to a degree that would be harmful to the character and appearance of the area and would represent inappropriate development within the Metropolitan Green Belt. This conflicts with policy H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

THE MEETING WAS CONCLUDED AT 9.07 PM

CHAIRMAN