

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 23 May 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brookbank, Clark, Mrs. Davison, Mrs. Dawson, Edwards-Winsler, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Cooke, Dickins, Gaywood and Walshe

Cllrs. Bosley, Davison, Eyre, Fleming, Grint and Mrs. Hunter were also present.

### 1. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 25 April 2013 be approved and signed by the Chairman as a correct record.

### 2. Declarations of Interest or Predetermination

Cllr. Mrs. Dawson clarified that the introduction of the report for item 4.1 SE/11/01878/FUL - Land North of Bouchier Close, Sevenoaks implied that she may have predetermined the matter. However she stated she had not yet decided the matter and would be listening to the debate.

Cllr. Miss. Stack spoke as the Local Member for item 4.4 SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH. She did not take part in the debate and did not vote on the matter.

### 3. Declarations of Lobbying

All members of the Committee, except Cllr. Brookbank declared that they had been lobbied in respect of item 4.1 SE/11/01878/FUL - Land North of Bouchier Close, Sevenoaks..

All members of the Committee, except Cllrs. Edwards-Winsler and Piper also declared that they had been lobbied in respect of item 4.4 SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH.

Cllrs. Mrs. Dawson and Miss. Thornton declared that they had been lobbied in respect of item 4.5 SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE.

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### Unreserved Planning Applications

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

#### 4. SE/13/00574/FUL - Parking Area, St Botolphs Avenue, Sevenoaks TN13 3AL

The proposal was for retrospective planning permission for the erection of a car port structure over part of an existing parking space within a private parking courtyard. The site was within the built confines of Sevenoaks.

The report advised it was a modest structure, well screened to public view from the rear. The car port was well related to its immediate surroundings. It would not cause harm to the character and appearance of the wider area or to the living conditions of neighbouring properties. It would not obstruct existing parking facilities within the courtyard.

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered elevation plan and ordnance survey block plan received by the Council on 22nd February 2013 and 6th March 2013.

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

### Reserved Planning Applications

The Committee considered the following planning applications:

#### 5. SE/11/01878/FUL - Land North Of, Bouchier Close, Sevenoaks

The proposal was for the erection of an L-shaped 80-bed nursing home facility, largely over three floors, of traditional design. Approximately 40% of the site would be utilised as public open space and a play area would be provided. A vehicular access into the site would be created from Bouchier Close and would extend across the site to join with the existing St. Nicolas church car park. This access from the church car park had been previously approved. 26 car parking spaces would be provided with 23 further spaces to be provided for the church, but for use by the care home when church traffic was low.

The site sloped significantly upwards from west to east, with a change of approximately 20 metres. It was just under 1ha in size and was undeveloped. The site was designated an important area of green space under Local Plan Policy EN9. A group of trees to the centre was protected by a Tree Preservation Order. It was within the Homelands Catchment area which can be subject to localised flooding.

Officers considered that the application would increase public access to open space and improve the quality of that space. This would outweigh the presumption in favour of safeguarding the important green space. It was in a sustainable location.

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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:	James Brown
For the Application:	Robert Wickham
Parish Representative:	Cllr. Mrs. London
Local Member:	Cllr. Fleming

In response to a question Officers confirmed that they expected a barrier to be installed on the route through the site from Rectory Lane. However these details would only be submitted at a later point. The Case Officer clarified that although the proposal was for Class C2 Use, a condition would restrict the building for use as a care home. It was difficult to calculate the staff required on site but the Highways Officer had made a comparison in his calculations to a care home in Edenbridge.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to the completion of a satisfactory section 106 agreement within three months be adopted.

Members noted the numerous objections raised by the Local Member public speaker.

Members were concerned the proposal contravened Policy EN9 of the Local Plan as the site was designated Green Space and had only recently been identified as such in the well developed Allocations and Development Management Supplementary Planning Document. The concern was not public access to the site but there was a lack green space on the west side of Sevenoaks.

It was suggested the need for care homes had not been identified and that provision for an ageing population did not have to include more care homes.

A local Member, on the Committee, was concerned by potential flooding issues. From her own knowledge she knew that The Dene was already subject to flooding and this development would add greater pressure to it.

Members were also concerned that the application could result in a concentration of care homes in one area of town. Biodiversity would be harmed by the proposed buildings. There would be inadequate private, outside amenity area for residents of the care home. Staff were not likely to rely on public transport, especially given the lack of nighttime public transport provision in the area. The bulk, height and scale of the development would be excessive, particularly from The Dene, as the development was sited on top of a hill.

One Member commented that there was a need in the area for care homes given the ageing population.

The motion was put to the vote and the Chairman declared the vote to have been LOST. Cllr. Brookbank abstained.

It was MOVED by Cllr. Mrs Dawson and was duly seconded:

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

1. The proposed development, if permitted, would result in the loss of an important area of greenspace within the built confines of Sevenoaks. The benefits of the proposed scheme in retaining part of the land as public open space would not outweigh the harm caused by the loss of the remaining area to development. This would be harmful to the visual amenities and distinctive local character of the area, contrary to Policy EN9 of the Sevenoaks Local Plan and Policy SP1 of the Council’s Core Strategy.
2. The proposed development would be contrary to Policy H8 (1) of the Sevenoaks Local Plan as the proposed residential care home would result in a loss of important greenspace and would therefore not be suitable for its purpose. The proposal would also result in a concentration of care homes in the immediate and surrounding area leading to a cumulative impact of development that would harm the character and amenity of the area, contrary to Policy H8 (3) of the Sevenoaks Local Plan.
3. The proposed development would generate a significant amount of traffic. This would result in unacceptable traffic conditions on the surrounding road network and would cause harm to the residential amenity of surrounding properties due to noise and activity generated by the proposed development. As such, the proposal would be contrary to Policies EN1 (3 &10) and T8 of the Sevenoaks District Local Plan.
4. The height and scale of the proposed care home would result in the erection of a substantial and prominent structure on the site that would be significantly out of scale and character with the predominantly residential and domestic scale of development in the locality. This difference would be further exacerbated by the raised level of the application site in relation to surrounding roads. This would be harmful to the character of the local area and contrary to Policy EN1 of the Sevenoaks District Local Plan and policies LO2 and SP1 of the Sevenoaks Core Strategy.
5. The proposed care home would fail to provide suitable private outdoor amenity space for use by its residents. This would be contrary to Policy EN1 (5) of the Sevenoaks District Local Plan.
6. The site is located within the Homelands water catchment area. Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that a suitable surface water drainage scheme can be secured for the development to prevent an increased risk of localized flooding in the surrounding area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan and to advice contained within the National Planning Policy Framework.”

The motion was put to the vote and it was:

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

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1. The proposed development, if permitted, would result in the loss of an important area of greenspace within the built confines of Sevenoaks. The benefits of the proposed scheme in retaining part of the land as public open space would not outweigh the harm caused by the loss of the remaining area to development. This would be harmful to the visual amenities and distinctive local character of the area, contrary to Policy EN9 of the Sevenoaks Local Plan and Policy SP1 of the Council's Core Strategy.
2. The proposed development would be contrary to Policy H8 (1) of the Sevenoaks Local Plan as the proposed residential care home would result in a loss of important greenspace and would therefore not be suitable for its purpose. The proposal would also result in a concentration of care homes in the immediate and surrounding area leading to a cumulative impact of development that would harm the character and amenity of the area, contrary to Policy H8 (3) of the Sevenoaks Local Plan.
3. The proposed development would generate a significant amount of traffic. This would result in unacceptable traffic conditions on the surrounding road network and would cause harm to the residential amenity of surrounding properties due to noise and activity generated by the proposed development. As such, the proposal would be contrary to Policies EN1 (3 & 10) and T8 of the Sevenoaks District Local Plan.
4. The height and scale of the proposed care home would result in the erection of a substantial and prominent structure on the site that would be significantly out of scale and character with the predominantly residential and domestic scale of development in the locality. This difference would be further exacerbated by the raised level of the application site in relation to surrounding roads. This would be harmful to the character of the local area and contrary to Policy EN1 of the Sevenoaks District Local Plan and policies LO2 and SP1 of the Sevenoaks Core Strategy.
5. The proposed care home would fail to provide suitable private outdoor amenity space for use by its residents. This would be contrary to Policy EN1 (5) of the Sevenoaks District Local Plan.
6. The site is located within the Homelands water catchment area. Insufficient information has been provided to demonstrate to the satisfaction of the Local Planning Authority that a suitable surface water drainage scheme can be secured for the development to prevent an increased risk of localized flooding in the surrounding area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan and to advice contained within the National Planning Policy Framework."
6. SE/13/00481/FUL - New Beacon School , Brittain's Lane, Sevenoaks Kent TN13 2PB

The proposal was to open a new vehicle crossover between Brittain's Lane and the school's staff car park. The new access would be located on the eastern side of the site, between two existing accesses to the site. The report advised that use of the new access would be controlled by automatic barrier featuring card swipe/key pad protection, would

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involve the removal of a grass verge and close boarded fence and would be constructed of tarmac.

The site was on the outskirts of Sevenoaks within the Metropolitan Green Belt.

Officers considered that the proposed development would not have a detrimental impact upon the existing street scene and was not considered to have an unacceptable impact upon highway safety or traffic conditions. Any potentially significant impacts relating to highway safety could be satisfactorily mitigated by conditions.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Michael Mamalis
Parish Representative:	-
Local Member:	Cllr. Mrs. Hunter

Following the Late Observations sheet and comments from the public speakers, it was noted the new entrance was now due to be used by both staff and parents in peak times. The intention was to allow vehicles to turn off Brittain's Lane more easily.

Officers stated that they had not consulted the Highways Authority concerning the uncontrolled access as the application was considered as being a controlled access for staff only. It was proposed by the Chairman and duly seconded that the report be deferred to allow consultation on this aspect.

Members agreed deferment would be appropriate and asked that Officers consider the speed of traffic on Brittain's Lane and how vehicles could navigate the traffic which was using the 3 access points. They also asked a diagram be provided of traffic flows within the school site.

Resolved: That consideration of the application be DEFERRED for Officers to:

- (a) consult Kent Highway Services on the uncontrolled use of the proposed access for staff and parents;
- (b) consult on the interaction between the through traffic on Brittain's Lane with queuing vehicles, particularly at peak times; and
- (c) provide diagrams for members to show traffic flows within the application site.

### 7. SE/12/03388/HOUSE - Penryn Cottage, Milton Avenue, Badgers Mount TN14 7AU

The proposal was for the installation of 4 rooflights in the flank roofspace (retrospective) and two dormer windows in the rear elevation. Two of the rooflights were to be obscure glazed and fixed shut.

The site was within the built confines of Badgers Mount and the Kent Downs Area of Outstanding Natural Beauty (AONB). It sloped downwards from east to west and from

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north to south. The general streetscene was fairly mixed with both single and two storey dwellings in the road, of a mixture of designs and ages.

The report advised that the scale, location and design of the development would preserve the character and appearance of the Area of Outstanding Natural Beauty. The development would respect the context of the site and would not have an unacceptable impact on the street scene. Overlooking was not a concern due to the indirect angle between the application site and those dwellings potentially at risk. The Officer also commented on the previous appeal decision on the site.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mark Batchelor
Parish Representative:	Gordon Plumb
Local Member:	Cllr. Grint

The Case Officer did not consider the proposal to have an adverse impact on the AONB.

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

Members noted the existing dwelling was large but that the increase in bulk caused by the proposal would be minimal.

It 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 ensure that the appearance of the development is in harmony with the existing character of the existing house 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: 79648/10A, Unnumbered existing rear elevation and unnumbered existing attic plan.

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

At 9.17 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.25 p.m.

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8. SE/13/00119/HOUSE - Crossways, 8 Greenlands Road, Kemsing Sevenoaks TN15 6PH

The proposal was to alter the roof form to a new crown roof that would extend across the full depth of the building. The height of the property would be raised from 4.89 metres to 5.49 metres.

The site consisted of a detached bungalow within the Metropolitan Green Belt.

The report advised that as the proposed new roof could accommodate additional habitable floor space, the proposal was to be considered inappropriate development in the Green Belt; existing extensions had already added more than 50% to the original floorspace. The scale, bulk and massing were detrimental to the character and appearance of existing and neighbouring buildings and was incongruous and harmful to 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:	Mark Batchelor
Parish Representative:	-
Local Member:	Cllr. Miss Stack

In response to a question Officers confirmed that the level of the road dropped down southwards and so an increase in height of the present property could appear worse when compared to those further down the slope.

It was noted the applicants had proposed a condition that alterations to the roof, usually considered Permitted Development, be restricted. Officers advised that such a condition may not suffice and it would depend on the reason given for those conditions.

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

The Committee agreed that the existing roof appeared to be in disrepair. However the proposal was significantly larger than the existing roof, resulting in a considerable change in the streetscene because of the increase in bulk. The new roof would be contrary to Green Belt policy and would harm the openness of the area.

Some Members felt the proposed roof to be tidier than the existing roof and that it did not have a significant impact on the Green Belt. The streetscene was already varied.

The motion was put to the vote and there voted –

6 votes in favour of the motion

3 votes against the motion

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



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The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green belt and to its openness contrary to policy H14A of the Sevenoaks Local Plan, LO8 of the Core Strategy and the National Planning Policy Framework.

The proposed development, by reason of its, scale, bulk and massing would represent a disproportionate addition to the building which would fail to respect the character and appearance of the existing and neighbouring dwellings to the detriment of their design character and appearance and would therefore represent an incongruous addition which would be harmful when viewed within the context of the street scene of Greenlands Road and which would fail to maintain the present open appearance of the site to the detriment of the character and appearance of Green Belt. As such the proposal would be contrary to policies EN1 and H6B of the Sevenoaks Local Plan, SP1 and LO8 of the Core Strategy, the Councils Residential Extensions Supplementary Planning Document 2009 and the National Planning Policy Framework.

### 9. SE/13/00139/HOUSE - 10 Springshaw Close, Sevenoaks, Kent TN13 2QE

The proposal was for a two-storey side extension with a hipped roof and a single-story front extension to that extension with a tiled, angled roof. The site was a detached property located at the end of a cul-de-sac within the urban confines of Sevenoaks. The road comprised of detached two-storey houses set back from the roads with plots of different widths.

Officers considered that the development would respect the context of the site and would not have an unacceptable impact on either the street scene or the residential amenities of nearby dwellings.

It was clarified that the extant permission granted for a two-storey extension would leave a distance of 1.15m from the neighbouring dwelling but this would reduce under the present proposal to 1m.

The Committee was addressed by the following speakers:

Against the Application:	Barbara Cornell
For the Application:	Andy Collins
Parish Representative:	Cllr. Dilley
Local Member:	-

Cllr. Piper read out a statement provided by the Local Member, Cllr. London, who was unable to attend the meeting.

The front extension measured 2.1m from the ground to the eaves and a further 1.2m to the top of the roof. The existing fence to No.11 Springshaw Close measured 1.9m in height.

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

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The matter of visual terracing was discussed. The neighbouring property's extension was only single-storey. However it was felt by some that the added extension to the front exacerbated the existing difficulties. At ground level the properties looked terraced from most angles.

At 10:28 p.m. it was MOVED by Cllr. Piper and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. by half an hour to enable the Committee to complete the business on the agenda.

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

Resolved: That the meeting be extended past 10.30 p.m. by half an hour to enable the Committee to complete the business on the agenda.

The substantive motion was put to the vote and there voted –

2 votes in favour of the motion

6 votes against the motion

the Chairman declared the vote to have been LOST. It was MOVED by Cllr. Miss. Thornton and was duly seconded:

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

1. The proposed development by virtue of its height, design and proximity to the boundary would create a terracing effect between properties, which would have a detrimental impact on the street scene. The proposal is therefore contrary to the advice in The Council's Supplementary Planning Document Residential Extensions and Policy EN1 of the Sevenoaks Local Plan.
2. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighbouring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.”

The motion was put to the vote and there voted –

7 votes in favour of the motion

2 votes against the motion

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

1. The proposed development by virtue of its height, design and proximity to the boundary would create a terracing effect between properties, which would have a detrimental impact on the street scene. The proposal is therefore contrary to the advice in The Council's Supplementary Planning Document Residential Extensions and Policy EN1 of the Sevenoaks Local Plan.

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2. The proposed single storey front extension, by virtue of its height, bulk and proximity to the neighbouring property would have a detrimental impact on the outlook and residential amenity of the neighbouring property by way of loss of light and perception of overbearance. The proposal would therefore be contrary to Policy EN1 of the Sevenoaks Local Plan.”

THE MEETING WAS CONCLUDED AT 10.33 PM

CHAIRMAN

