

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 3 October 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Dickins, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton and Underwood

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

Cllrs. Ayres and Scholey were also present.

### 62. Minutes

The minutes of the meeting of the Committee held on 17 September were tabled for Members' consideration.

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 September 2013 be approved and signed by the Chairman as a correct record.

### 63. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

### 64. Declarations of Lobbying

Cllrs. Cooke and Gaywood declared that they had been lobbied in respect of item 4.1 – SE/13/01590/FUL - Land SW of Forge Garage, High Street, Penshurst TN11 8BU.

All Members of the Committee present except for Cllr. Brookbank declared that they had been lobbied in respect of item 4.3 - SE/13/01771/HOUSE - 3 Downs Cottages, Swanley Village Road, Swanley BR8 7NR.

### Reserved Planning Applications

The Committee considered the following planning applications:

### 65. SE/13/01590/FUL - Land SW of Forge Garage, High Street, Penshurst TN11 8BU

The proposal was for the erection of 6 2-bedroom dwellings on the site, built and occupied as local needs affordable housing units. The dwellings would be two storeys high and split into two blocks of three, arranged side by side with a gap of 2.5 metres between the two blocks.

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The site and Penshurst Village were within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty. The site and surroundings were in the Penshurst Conservation Area. The site was next to Forge Garage, a Grade II listed building, and was near to Star House (Grade II\*) and The Birches (Grade II).

There would be a gap of 11.5m between the development and the dwelling to the rear of Forge Garage. There would be parking for 14 vehicles. Access would be from the High Street, existing boundary would be removed with a new hedge planted behind the highways visibility line and an existing telephone box would be relocated further into the site.

The Legal Services Manager advised the Committee that although the application was identical to application SE/11/02258/FUL the present application was to be considered afresh and on the basis of the present report.

The report had identified that the application would result in some limited harm to the character and appearance of the Penshurst Conservation Area and the setting of Forge Garage as a listed building. The statutory test required that special regard be had to the desirability of preserving or enhancing these. Some limited harm to the High Weald AONB would also be caused. However given the limited harm identified the Officer did not consider that these outweighed the benefits of providing local needs affordable housing.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Rees
For the Application:	Mr. Leader
Parish Representative:	Cllr. Cass
Local Member:	-

The speaker on behalf of the applicants, West Kent Housing, responded to Members' questions. Only those with a local connection could apply to live in the housing and this would be guaranteed through the signed section 106 obligation with the Council, to be completed. If there were no eligible applicant from Penshurst and Fordcombe then there would be a cascading mechanism to neighbouring parishes. He had not had experience of similar cascading mechanisms ever having to be engaged. He expected demand from local people to remain high as it only provided 6 of the assessed housing need of 11 dwellings. The funding stream from the Housing and Communities Agency for the proposed scheme would end in March 2015 but if necessary the applicants would apply for further funding for the 2015-2018 period. Affordable rent would be set at 80% of the market level and it was expected that those with income up to £30,000 would take up these properties.

Officers confirmed that Permitted Development Rights would be removed. The report had given consideration to alternative sites for development.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to the completion of a S106 agreement and to conditions be adopted.

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Members gave support for the application given the proven need for local affordable housing. The development would be part of the natural growth of the village. It was felt the proposed dwellings would be attractive and in keeping with the village. It was a good site close to the school and to shops. The development would be in accordance with policy.

Some Members felt the field being lost was particularly attractive. Concern was also raised that, at 80% of the market rate, the rents would still not be affordable to most people.

The motion was put to the vote and there voted –

10 votes in favour of the motion

3 votes against the motion

Resolved: That planning permission be GRANTED subject to the completion of a S106 Agreement to secure the units as local needs affordable housing, and 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) 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 dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1027627/15 Rev E, 1027627/20 Rev B, 1027627/13 Rev K, 1027627/14 Rev E and 1027627/17 Rev C.

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

4) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To safeguard the character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

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5) 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 character and appearance of the conservation area as supported by EN23 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until details of the hereby approved outbuildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

To ensure that the appearance of the development enhances the character and appearance of the local area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

7) The development hereby permitted shall not be used or occupied until the 2.4 x 50 metre visibility splays as shown on the approved plans are provided. Such splays shall be subsequently maintained free from any obstruction above 1 metre in height at all times. (This 1 metre height shall be measured relative to a point on the centre line of the new access road and 2.4 metres back from the stop line).

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

8) No development shall be carried out on the land until a scheme and timetable for the relocation of the telephone box has been submitted to and approved in writing by the Local Planning Authority. The telephone box shall be relocated in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety and the retention of a community facility, in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

9) No development shall take place until details of the layout and construction of the access road has been submitted to and approved by the Local Planning Authority. The details shall include the connection to the High Street, gradients, surfacing materials and road markings. The development shall be constructed in accordance with the approved details.

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

10) No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Local Planning

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Authority. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

In the interest of highway safety, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

11) Notwithstanding the submitted plans, no development shall be carried out on the land until details of the proposed boundary treatment and any means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

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

12) Apart from any means of enclosure described in the details approved pursuant to condition 11, no boundary walls, fences or other means of enclosure shall be erected on the site boundary, despite the provisions of any Development Order.

To safeguard the rural character of the area, in accordance with policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

13) The development shall only be undertaken in accordance with the Flood Risk Assessment (FRA) by Monson Engineering Ltd and addendums (most recent addendum dated 7 March 2012), and the following mitigation measures detailed within the FRA:

- i) The surface water drainage strategy shall be undertaken in accordance with the FRA and addendums
- ii) The access road and car parking area shall be constructed with permeable paving (with a minimum depth of porous sub base of 300mm) and a cut off trench at the western site boundary.
- iii) The surface water discharge to the adjacent ordinary watercourse shall be limited to a rate of 1.5 l/s (Appendix A, Drawing No. 5164/02 C, 'Proposed surface water flood drain').
- iv) A surface water management plan shall be implemented to ensure that the scheme is effective year round for the lifetime of the development, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- v) The surface water drainage scheme shall take into account exceedance events to ensure that surface water runoff is safely routed away from the dwellings.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with the National Planning Policy Framework.

14) The finished floor levels of the dwellings hereby permitted shall be set no lower than 30.9 m above Ordnance Datum (AOD) as detailed in the Addendum to

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the Flood Risk Assessment by Monson Engineering Ltd dated 7 March 2012, and on the Site Plan drawing numbered 1027627/20 Rev B.

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the National Planning Policy Framework.

15) There should be no lowering of ground levels where the existing site level is less than 30.75m AOD, as identified on the Site Plan drawing numbered 1027627/20 Rev B.

To reduce the risk of flooding to the proposed development and future occupants by ensuring that site levels will be above the modelled 100 year plus climate change flood level, in accordance with the National Planning Policy Framework.

16) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. 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.

The landscape works shall be carried out in accordance with the approved details. 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 protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

17) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The plan should include the provision of on site parking and loading, and wheel washing facilities. The development shall be carried out in accordance with the approved plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.

18) No development shall take place until details of further ecological mitigation and enhancement measures have been submitted to and approved in writing by the Council. These details shall include all the mitigation measures detailed in the Thomson Ecology reports dated July 2011 and October 2011, and details of the design of any external lighting proposed, and shall include

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measures to ensure that the building works do not disturb protected species, and all enhancement measures proposed therein. The approved mitigation and habitat enhancement measures shall be implemented in full, in accordance with the approved details.

To ensure the long term retention of protected species on the site as supported by the National Planning Policy Framework.

19) No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be completed to the written satisfaction of the Council prior to the commencement of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives, in accordance with the National Planning Policy Framework.

20) The first floor window in the north-east facing side elevation of unit 1 (as shown on the proposed plans drawing numbered 1027627/13 Rev K) shall be obscure glazed and fixed shut at all times.

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

21) 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.

Achievement of the Code levels and BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

22) There should be no ground raising within the floodplain of the Medway/Eden rivers, as indicated on Drawing 1027627/20 B (Site plan and existing levels).

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To prevent the loss of flood storage which may otherwise increase the flood risk to the surrounding land, in accordance with the National Planning Policy Framework.

23) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policy EN25A of the Sevenoaks District Local Plan.

### 66. SE/13/01293/FUL - Mercury House, Station Road, Edenbridge TN8 6HL

The proposal was for the partial change of use of the existing B1/B8 building with ancillary offices to A1 retail warehouse use with ancillary offices. The proposal related to the retention of 360sqm of ancillary office space, and the loss of 667.5sqm of B1/B8 land to retail floorspace. The site included the provision of 16 existing car parking spaces.

The site was protected employment land, fully occupied in employment use. It was within the Edenbridge town envelope but outside of the town centre.

The report advised that the NPPF required a sequential test to be applied to applications for main town centre uses outside of an existing centre. No sequential test had been undertaken to demonstrate that the retail use could not be accommodated within the town centre. The change of use would represent an unsustainable approach to development. No justification has been submitted to show that there was no reasonable prospect of the site being used for B1 purposes.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. McKay
Parish Representative:	Cllr. Scholey
Local Member:	Cllr. Scholey

In response to a question Officers confirmed that no information had been received as to proposed internal or external works to the site.

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

It was noted that the site was still a fully occupied employment site and there was no information as to the viability of the businesses there. They also noted no sequential test had been carried out to show that no site in or closer to Edenbridge Town Centre was appropriate for this retail use. Officers clarified that the retail use area would be smaller than those in recent applications for food superstores in the town.



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Some concern was raised whether 16 parking spaces would be sufficient once staff had used some of them.

A local Member on the Committee suggested that the application would make best use of a commercial site. The local area was trying hard to keep a vibrant economy. Another Member added that shops in the town centre were often too small and that many units nearby had already changed away from industrial use.

The motion was put to the vote and there voted –

14 votes in favour of the motion

2 votes against the motion

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

The change of use of the site from employment land to retail provision would represent an unsustainable approach to development. It would result in an out of town centre shopping development to the detriment of the vitality and viability of the Edenbridge town centre. The Applicant has not demonstrated through the sequential test that no town centre site exists to accommodate the proposed use. The proposal is therefore contrary to paragraphs 24 – 27 of the NPPF.

The proposal seeks the loss of protected employment land contrary to policies LO6 and SP8 of the Sevenoaks District Core Strategy and EP8 of the Sevenoaks District Local Plan.

(Cllr. Cooke was not present for the consideration of the remaining item)

67. SE/13/01771/HOUSE - 3 Downs Cottages, Swanley Village Road, Swanley BR8 7NR

The proposal was for the demolition of an outbuilding and the erection of a replacement outbuilding to the rear of a semi-detached Grade II Listed cottage. Listed building consent had already been granted. Approximately two-thirds of the outbuilding had already fallen down. The site was within the Metropolitan Green Belt and a Conservation Area.

Officers considered that the proposal would constitute inappropriate development within the Green Belt with no very special circumstances clearly to outweigh the harm in principle to the Green Belt and any other harm. It had not been demonstrated that the proposed annexe would be incidental to the main dwelling. As an independent unit the proposal would appear disjointed and contrary to the established spatial character and harmful to the special character and appearance of the Conservation Area. A contribution towards off-site affordable housing had not been secured.

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

The Committee was addressed by the following speakers:

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Against the Application: -  
For the Application: Mr Hargreaves  
Parish Representative: -  
Local Member: -

Officers responded to Members' questions. The annexe was not attached to the main dwelling following advice from the Conservation Officer to preserve the integrity of the listed building. The annexe could become independent as there would be parking available and a separate access could be provided to the front. Judgement on whether the annexe was independent was a question of fact and degree.

The applicant's health had not been advanced as a very special circumstance but Officers were aware and Members could take account of the evidence in front of them.

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

It was noted that a Members' Site Inspection had been held for this application. The Committee expressed great sympathy with the applicant given his health difficulties.

Members noted on the one hand that the structure was not attached to the main dwelling and could be split from it and be independent. On the other hand it was noted the plans did not indicate a kitchen area and it would only be 1m away from the dwelling. Some Members thought a condition could be imposed preventing kitchen facilities being provided.

The building was considered small and although the footprint would be larger than the barn being replaced the height would be less. Given the state of the former barn it was suggested that proposal would enhance the area.

The local Member added that there was a lack of young families within the village. He felt that the development would allow at least one to move in.

The motion was put to the vote and there voted –

8 votes in favour of the motion

8 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used his second, casting vote in favour of the motion.

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

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 the National Planning Policy Framework.

The Council is not satisfied that the proposed annexe will be incidental to the main property. The size and internal layout of the proposal shows that it is

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capable of being used as an independent dwelling. It is considered that the use of the proposed building as an independent unit in this back land position in close proximity to the existing and neighbouring dwellings would result in a disjointed form of residential development contrary to the established spatial character and harmful to the special character and appearance of the Conservation Area. As such, the proposal would be contrary to policies CC6 and BE6 of the South East Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan, policies SP1, LO1 and LO7 of the Core Strategy and the National Planning Policy Framework.

A contribution towards off-site housing has not been secured and therefore the proposal fails to comply with the requirements of policy SP3 of the Core Strategy and the Councils Affordable Housing Supplementary Planning Document October 2009.

THE MEETING WAS CONCLUDED AT 9.15 PM

CHAIRMAN

