

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 24 July 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Bosley, Brookbank, Cooke, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Brown, Clark, Firth, Neal, Raikes and Underwood

Cllrs. Ayres, Ball, Piper and Mrs. Sargeant were also present.

The Chairman announced that the meeting would not start until 7.05pm in order to allow Members additional time to consider the Late Observation papers tabled by Officers.

### 24. Minutes

Resolved: That the minutes of the Development Control Committee held on 3 July 2014, be approved and signed by the Chairman as a correct record.

### 25. Declarations of Interest or Predetermination

Councillor Edwards-Winser stated that he was a Member of Otford Parish Council who had previously considered minute item 30, SE/14/01074/FUL – 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW.

### 26. Declarations of Lobbying

Councillors Bosley, Brookbank, Edwards-Winser, Mrs. Parkin, Miss. Stack and Miss. Thornton declared that they had been lobbied in respect of minute item 31, SE/14/01128/House – Windrose, Brasted Chart, Westerham TN16 1LZ.

### CHANGE IN ORDER OF AGENDA ITEMS

With the Committee's agreement the Chairman proposed to bring forward agenda item 4.5.

### Reserved Planning Applications

The Committee considered the following planning applications:

### 27. SE/13/03843/CONVAR - Land East Of, Park Lane, Swanley Village, Swanley

The proposal was for the removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL - Change of use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a

## Development Control Committee - 24 July 2014

car port and associated hardstanding (Resubmission of SE/06/02550/FUL). In order to add/amend the names given for residency and occupation and new block plan submitted.

The Committee was reminded that the matter was previously considered on 20 May 2014. Officers had brought the matter back to the Committee following the request for further information on the justification of the care needs of the applicant.

The Chairman allowed Councillor Brookbank to address the Committee as he had requested that Members consider the application. He advised that after further discussions and evidence provided he was happy to support the Officers recommendation.

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

- 1) This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 1 of Annexe 1 of DCLG document Planning Policy for Traveller Sites March 2012.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Mr and Mrs J Clarke, Sharon Clarke Jnr and Lucy Clarke. When the land ceases to be used by Mr and Mrs J Clarke, the use hereby permitted shall cease and all caravans, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted shall be removed. Within 3 months of that time the land shall be restored to its former condition before the use commenced.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 3) The residential use hereby permitted shall be restricted to the stationing of no more than 4 caravans at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 4) The caravans, car port and hardstanding shall be sited in accordance with the untitled Block Plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 5) No commercial activities shall take place on the land, including the storage of materials.

## Development Control Committee - 24 July 2014

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 6) No building or enclosure other than those shown on the approved untitled block plan received on 10th Dec 2007 under planning reference SE/07/02075/FUL, shall be erected on the site.

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

- 7) Within three months of the date of this permission details of the surfacing and extent of the areas of hardstanding to be provided to the Council for approval in writing. All hardstanding on site shall be formed in accordance with the approved details.

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

- 8) The external dimensions of the car port hereby approved on the site shall be no greater than, 6 metres in length, by 4.2 metres in width, by 2.2 metres in height. The car port shall be maintained at this size.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

- 9) All landscape works shall be carried out within the next planting season from the date of this permission. The landscape works shall be carried out in accordance with the approved details.

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

- 10) 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 enhance the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered block plan received on 10th December 2007

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

(Cllr. Miss. Thornton abstained from the vote as she had not been present when the matter was previously considered by the Committee).

## Development Control Committee - 24 July 2014

### 28. SE/14/01565/FUL - Five Ways Nursery, Swanley Lane, Swanley BR8 7LD

The application sought permission for the installation of a mobile home, and had been referred to Committee at the request of Councillor Ball to consider issues of Green Belt and Human Rights.

Members attention was brought to the main agenda papers and the late observation sheet which did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jeff Haskins
Parish Representative:	Cllr. Victor Southern
Local Member:	Cllrs: Ball and Mrs. Sargeant

Members asked questions of clarification from the Speakers and Officers. It was clarified that the application did not have any time restrictions but a condition could be included. A condition could also be added for agricultural occupancy residency.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse planning permission be agreed.

Members expressed concern at the lack of information included in the business plan submitted. There were also concerns that it was within the Green Belt and that there was already a property on the site.

The motion was put to the vote and it was

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

The proposed development would constitute inappropriate development within the green belt, harmful by reason of inappropriateness and by virtue of harm to the openness of the green belt. The very special circumstances advanced are not considered to be sufficient to clearly outweigh the harm to the green belt. This is contrary to the provisions of the National Planning Policy Framework, policy LO8 of the Core Strategy, policy H18 of the Sevenoaks District Local Plan and policy GB6 of the emerging Allocations and Development Management Plan.

### 29. SE/14/01263/FUL - 16 -18 London Road, Riverhead, Kent TN13 2UE

The application sought permission for the change of use from A1 – retail, to D1 – developmental play classes between the hours of 09:00 – 17:00 for a maximum number of 14 children aged 0-5 years with their carers. The application had been referred to the Committee by Councillor Brown to discuss issues of parking and highways safety.

Members attention was brought to the main agenda paper and the Late Observation sheet which did not propose any amendments or changes to the recommendation before

## Development Control Committee - 24 July 2014

the Committee. Members were also advised of the statement by the Local Members included in the Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Colette Beard
Parish Representative:	-
Local Member:	-

Members asked questions of clarification from the Speakers and the Officers. Members were advised that the first class took place at 9.30am and the last class would finish at 4.14pm with each class lasting 45 minutes. New attendees would be directed to park in the Tesco car park and current Members would be advised to do so. In response to a question it was confirmed that condition 03 could be amended to include all public holidays.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members were concerned with the parking issues but were pleased that a verbal agreement had been made between the applicant and Tesco for parking. Short term parking restrictions were discussed and implemented could be longer than the classes. It was mooted as to whether a condition could be included for monitoring the parking. Members noted that parking could only be enforced if there were restrictions in the area.

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) No more than 14 children shall be on the premises at any one time with no more than 5 staff in attendance at the same time.

To prevent the intensification of the use such as to cause problems on the nearby public highways as a result for demand for on street parking spaces.

- 3) The premises shall only be open between the hours of 8am - 6pm Mondays to Fridays and at no time on Saturdays, Sundays and Public Holidays.

To protect the amenities of nearby residents in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan and policy EN2 of the emerging Allocations and Development Management Plan.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered site plans and floor plan - existing and proposed.

## Development Control Committee - 24 July 2014

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

### Informative

You are strongly advised to ensure that parents attending the premises park their vehicles in the nearby Tesco Car Park and not on the surrounding public highway

(Cllr. Miss. Stack requested that her abstention from voting be recorded).

### 30. SE/14/01074/FUL - 52B Pilgrims Way East, Otford, Sevenoaks TN14 5QW

The application sought permission for the demolition of existing dwelling and outbuildings; erection of replacement dwelling with integral garaging facilities and timber decking to rear elevation. The application had been referred to Committee at the request of Councillor Lowe who wished for the appropriateness of the development within the Green Belt and the consistency in decision making to be discussed.

Members attention was brought to the main agenda papers and the late observation sheet which proposed amendments to the detailed wording of some of the conditions.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jacque Andrews
Parish Representative:	Cllr. John Verrall
Local Member:	Cllr. Miss. Lowe (submission read by Cllr. Miss Stack)

Members asked questions of clarification from Officers.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members considered whether the proposed development was materially larger than the current dwelling and acknowledged that it was slightly smaller in height. It was noted that the permitted development rights on the property would be removed and that there was a condition surrounding the uncovering of archaeological interests.

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) Prior to commencement of development samples 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.

## Development Control Committee - 24 July 2014

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.

- 3) The development shall be carried out in accordance with the following plans 444 -PD-002 A, 4441-PD-003 A

For the avoidance of doubt and in accordance with proper planning as supported by policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

- 4) Prior to commencement of development the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable 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 EN25 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development falling within Class(es) A, B or E of Part 1 of Schedule 2 to the said Order shall be carried out on site.

To enable the Local Planning Authority to retain control over future development to preserve the openness of the Green Belt in accordance with policies H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

- 6) Prior to commencement of development full details of both hard and soft landscaping shall be submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Boundary Treatments; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

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

- 7) Prior to commencement of development details of any existing land levels and proposed changes in land level, and cross sections too show how these relate to the proposed basement shall be submitted to and approved in writing by the Council. Any proposed scheme shall then be completed in accordance with the approved details prior to the commencement of development.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan and to preserve the openness of the Green Belt in accordance with policy H13 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

## Development Control Committee - 24 July 2014

- 8) Prior to the commencement of development (including site clearance works), written evidence shall be submitted to and approved by the Local Planning Authority detailing the appointment of an appropriately qualified Code For Sustainable Homes Assessor. Prior to the first occupation of the dwelling(s) hereby approved, a written assessment, carried out by an appropriately qualified Code for Sustainable Homes Assessor upon the completion of the development and detailing a "Code For Sustainable Homes" rating of a minimum of 3 shall be submitted to and approved by the Local Planning Authority in writing.

To ensure the development contributes to the principles of sustainable development as outlined in policy

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no works shall be carried out (lightwells, steps etc.) that will make the basement visible and means it is no longer completely submerged.

To enable the Local Planning Authority to retain control over future development and to preserve the openness of the Green Belt in accordance with policies H14A of the Sevenoaks District Local Plan and the National Planning Policy Framework.

- 10) Prior to commencement of development all existing outbuildings and structures on the site including the existing outbuildings shown as 1,2 and 3 on 4441-PD-002 REV A shall be demolished and all resulting materials removed from the site.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies H13 of the Sevenoaks District Local Plan.

- 11) 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 & CC4 of the South East Regional Plan & Policy NR1 of the Kent & Medway Structure Plan.

(Cllr. Miss. Stack requested that her abstention from voting be recorded).



## Development Control Committee - 24 July 2014

### 31. SE/14/01128/HOUSE - Windrose, Brasted Chart, Westerham TN16 1LZ

The application sought permission for the demolition of the existing garden room and erection of a single storey rear extension. Conversion of existing garage to habitable space and erection of a detached garage resubmission of SE/13/03491/HOUSE. The application had been referred to Committee by Councillor Firth to consider whether the proposal is acceptable in the Green Belt.

Members attention was brought to the main agenda papers and the Late Observation Sheet which did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Helle Jacobsen
Parish Representative:	Cllr. Hocknell
Local Member:	Cllr. Firth (submission read by Cllr. Piper)

Members asked questions of clarification from the Officers. The Planning Manager advised that legislation had allowed for small extensions to be built without planning permission the Government has over the years increased the size an extension could be without planning permission and this was classed as Permitted Development Rights. Sometimes these were confirmed with a Lawful Development Certificate. Under Permitted Development Rights the Council would have no input on the design.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant planning permission subject to conditions be agreed.

Members discussed the application and were pleased that a legal agreement had been signed for the Permitted Development Rights to be removed if planning permission was granted, it was noted that there was more hardstanding if planning permission was granted rather than Permitted Development Rights. Some Members questioned whether very special circumstances applied to the application.

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.

## Development Control Committee - 24 July 2014

To ensure that the appearance of the development is in harmony with the existing character of the dwelling 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: 1893-13-PI500 P5, PL502 P3, PL503 P1,P5
- 4) No extensions or external alterations shall be carried out to the dwelling hereby approved despite the provisions of any Development Order

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy H14A of the Sevenoaks District Local Plan.

- 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 prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and policy H14B of the Sevenoaks District Local Plan.

- 6) No development shall take place until a scheme of ecological enhancement such as bat roosting features and bird boxes has been submitted to and approved in writing by the Council. The approved scheme shall be implemented before first use of the garages.

To promote biodiversity as supported by Policy SP11 of Sevenoaks District Councils Core Strategy.

(Cllr. Walshe requested that his abstention from voting be recorded).

THE MEETING WAS CONCLUDED AT 9.07 PM

CHAIRMAN