

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 9 July 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Brown, Clark, Edwards-Winsor, Hogg, Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Raikes, and Miss. Stack

Apologies for absence were received from Cllrs. Barnes, Cooke, Gaywood and Lindsay

Cllrs. Pett and Piper were also present.

19. Minutes

Resolved: That the minutes of the Development Control Committee held on 18 June 2015 be approved and signed by the Chairman as a correct record.

20. Declarations of Interest or Predetermination

Councillor Ball declared for minute item 25 – SE/15/0131/House – 5 Archer Way, Swanley, BR8 7XR that he was a Member of Swanley Town Council and had been part of the Decisions of Swanley Town Council but would remain open minded.

Councillor Hogg declared for minute item 25 – SE15/0131/House – 5 Archer Way, Swanley, BR8 7XR that he was a Member of Swanley Town Council and had been part of the Decisions of Swanley Town Council but would remain open minded.

Councillor Thornton declared for minute item 22 – Objection to Tree Preservation Order Number 03 of 2015 Located at Hollym, Clenches Farm Lane, Sevenoaks that the applicants were family friends and would withdraw from the Chamber for the item. Upon their consideration she left the Chamber and did not take part in the debate or voting thereon.

Councillor Clark declared for minute item 23 - SE/14/03939/FUL – Brenden, Billet Hill, Ash, TN15 7HE that he was the Local Member and Parish Councillor and intended to speak in the debate but would remain open minded.

Councillor Mrs. Hunter declared that for minute item 22 - Objection to Tree Preservation Order Number 03 of 2015 Located at Hollym, Clenches Farm Lane, Sevenoaks, that she was the Local Member but would remain open minded.

21. Declarations of Lobbying

Councillor Williamson declared that he had been lobbied in respect of minute item 23 – SE/15/01031/House – The Sheiling, Coopers Lane, Penshurst, TN11 8AT.

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Change In Order of Agenda Items

With the Committee's agreement the Chairman proposed to bring forward agenda item 5.1.

Tree Preservation Order

22. Objection To Tree Preservation Order Number 03 Of 2015 Located At Hollym, Clenches Farm Lane, Sevenoaks

The Tree Preservation Order related to a row of Lime trees situated at Hollym, Clenches Farm Lane, Sevenoaks. The Tree Preservation Officer referred Members to the late observation sheet which did not change the recommendation.

The Tree Preservation Officer advised that the trees were protected following a request from several concerned local residents as the site was currently undergoing development. The trees were situated in a prominent location as they provided an effective screen between neighbouring properties.

One objection had been received from the tree owner on the grounds that the order was unnecessary and was cumbersome for him and his neighbours to continually apply to cutback overhanging branches. He also claimed that over hanging branches had to be cutback on an almost annual basis, otherwise damage to neighbouring properties would occur. The Tree Preservation Officer advised that consent could be granted to remove re-growth on an annual basis, over a 5 year period to prevent the owner or neighbours applying annually.

Resolved: That the tree preservation order No. 03 of 2015 be confirmed without amendment.

Reserved Planning Applications

The Committee considered the following planning applications:

23. SE/15/01031/HOUSE - The Sheiling, Coopers Lane, Penshurst TN11 8AT

The application had been referred to the Development Control committee at the discretion of the Chief Planning Officer on the grounds of the controversial nature of this retrospective planning application.

Members' attention was brought to the main agenda papers and the late observations which did not change the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Mrs. Kirker
For the Application:	Mr. Barrett
Parish Representative:	-
Local Member:	-

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Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendation the agenda to grant planning permission be agreed.

Members discussed whether the application was acceptable in an area of outstanding natural beauty (AONB) and whether the application would enhance or preserve the neighbouring listed building. Some Members thought the fence had an unacceptable impact on the AONB and that it would appear as a close-boarded urban fence in a rural setting. Some Members thought that there would be little impact on the AONB as other properties had similar fences and that there was a condition for landscaping and planting around the fence.

In response to a question the Development Control Team Manager advised that by landscaping around the fence it would enhance the AONB from the addition of hedging where there currently was not any. The Conservation Officer had also not objected to the application.

The motion was put to the vote and it was lost.

It was moved and duly seconded that the application should be refused as the fence did not preserve or enhance the ANOB and would harm the setting of a listed building. Members advised that a Green chain link fence with a native species hedge grown through it would provide natural and immediate containment. Any such hedge should not grow to more than 1.8meters and the planting should be of natural English plants.

The motion was put to vote and it was

Resolved: The planning permission be refused for the following reasons

- 1) The development results in harm to the setting of the listed building through the introduction of an urban feature surrounding the Listed Building, which will neither preserve or enhance the setting of the Listed Building. As such the development is contrary to policy EN4 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.
- 2) The development results in harm to the landscape character of the Area of Outstanding Natural Beauty through the introduction of an urban feature in the open countryside. The fence will neither conserve or enhance the landscape character of the Area of Outstanding Natural Beauty. As such the development is contrary to policy EN5 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

Informatives

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.
- 2) The applicant is advised that Members of the Development Control Committee consider a green chain link hedge which would provide immediate

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containment and that any hedge planted should not grow higher than 1.8m high. It is suggested that only native and traditional hedgerow species should be planted and that neither leylandii or fir trees should be planted.

24. SE/14/03939/FUL - Brenden , Billet Hill, Ash TN15 7HE

The application had been referred to Development Control Committee by Cllr. Clark as the proposal would lead to the creation of an additional dwelling contrary to Green Belt policies and due to highways safety implications.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application	-
Parish Representative:	Parish Councillor Kelly
Local Member:	Cllr. Pett

Members asked questions of clarification from the officers.

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

Members considered whether the application amounted to encroachment and intensification of the site. Some Members believed it would not amount as encroachment as the development was already in use. It was also discussed whether it would damage the openness of the Green Belt contrary to the National Planning Policy Framework. Members considered whether the increase of traffic would also have an impact.

Resolved: That planning permission be granted for the following reasons

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

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

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

To ensure that the appearance of the development is in harmony with the existing character of the building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) 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 Council. The parking

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areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

In the interest of highway safety as supported by Policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development shall be carried out within Classes A, B, C, D, E, F, G of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and Policies SP1, L08 of the Core Strategy.

- 5) No development shall be carried out until full details of all existing and proposed means of enclosure have been submitted to the Council for written approval. These details shall include a plan indicating the positions, design and materials of all means of enclosure. The development shall be carried out in accordance with the approved details. No other means of 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. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that openness of the Green Belt and the character and appearance of the landscape is protected in accordance with Policy EN1 of the Allocations and Development Management Plan and Policies SP1, L08 of the Core Strategy.

- 6) No development shall take place until a scheme detailing measures for the enhancement of biodiversity on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be in place prior to the first occupation of the dwelling and shall thereafter be retained. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To provide opportunities to conserve and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks District Core Strategy.

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- 7) Details of any outside lighting shall be submitted to and approved in writing by the Council before the development commences. Despite any development order, outside lighting shall only be provided 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.

- 8) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered 1:1250 scaled location plan, 501 Rev. A, 101 Rev. A, 102 Rev. A, 103 Rev. A, 104 Rev. A.

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

Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at .

- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action

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being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

25. SE/15/01331/HOUSE - 5 Archer Way, Swanley BR8 7XR

The application had been referred to Development Control Committee at the request of Cllr. Halford on the grounds that the proposal will result in the development overlooking neighbouring properties and therefore the application is an over intensification of the site.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: -
Parish Representative: -
Local Member: Cllr. Halford (submission read by Cllr. Ball)

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

Members noted that no objection had been made by the neighbouring properties and discussed that that if the measurements of the extension were slightly smaller the development could have been carried out under Permitted Development Rights.

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 area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan..

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1545/1A & 1545/2

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

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THE MEETING WAS CONCLUDED AT 8.37 PM

CHAIRMAN