

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 20 August 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Barnes, Bosley, Clark, Cooke, Edwards-Winsler, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves and Raikes

Apologies for absence were received from Cllrs. Brown, Gaywood and Miss. Stack

Cllrs. Dickins and Piper were also present.

### 33. Minutes

Resolved: That the minutes of the Development Control Committee held on 30 July 2015 be approved and signed by the Chairman as a correct record.

### 34. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

### 35. Declarations of Lobbying

There were no declarations of lobbying.

### 36. SE/15/01535/HOUSE - The Spinney, Manor Lane, Fawkham DA3 8NB

This item had been withdrawn prior to the meeting as the applicant had withdrawn their planning application.

### Urgent Items

The Chairman had agreed to take two items as a matter of urgency. Application SE/15/00216/OUT - Meeting Point Day Centre Rural Age Concern, 27-37 High Street, Swanley BR8 8AE needed to be considered at the present meeting as on 28 May 2015 the Development Control Committee resolved that planning permission be granted subject to conditions and subject to the completion of a S106 Agreement making provision for affordable housing within 3 months of the date of the meeting, else permission was to be refused. This resolution was to expire on 28 August 2015 and so the decision had to be taken at this meeting as it would have expired by the time of the next meeting. This report had only just been prepared in light of advice received from the Legal Services Team. This item was considered at minute item 39.

Objection To Tree Preservation Order Number 04 of 2015 Located At Land to the South of Wells Place, Westerham, Kent needed to be considered for confirmation by the

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Development Control Committee and the report could not have been prepared sooner as consideration was being given to the objection and any alternative options. Whilst the deadline for the consideration of the TPO would have allowed for a report to the September Development Control Committee meeting (and no later), it was not practicable for the Arboricultural Officers to attend this later meeting and their specialist advice would be needed to assist Members in their decision making. This item was considered at minute item 37.

### Change in order of agenda items

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

### Tree Preservation Order

#### 37. Objection To Tree Preservation Order Number 04 of 2015 Located At Land to the South of Wells Place, Westerham, Kent

The Tree Preservation Order related to several trees situated to the south of Wells Place, Westerham. The Arboricultural and Landscape Officer clarified that the map in the report referred to the road, incorrectly, as Wells Close.

The Arboricultural and Landscape Officer advised that the Order had been served following a notification to remove the trees. The trees were situated in a prominent location and could be seen from a public footpath situated to the rear of Wells Place. They also provided an effective screen between these properties and the footpath. Their removal would open the land and lead to urbanisation, having a negative impact on the amenity of the local area.

An objection to the serving of the TPO has been received from a nearby resident on the grounds including that T1 the trees could only be seen by the residents of Wells Place. The Officer considered them visible from the public footpath. He also noted the parcel of land between the footpath and Wells Place had been subdivided and sold to neighbours.

In response to a question, the Officer advised that the Town Council expressed support for the order but he did not have information relating to the local ward Members.

Resolved: That the tree preservation order No. 04 of 2015 be confirmed with the amendment that T7 be removed from the order.

### Reserved Planning Applications

The Committee considered the following planning applications:

#### 38. SE/15/02019/FUL - Dunbrik Depot, 2 Main Road, Sundridge TN14 6EP

The proposal was for alterations and extensions to the main roof of the existing workshop, demolition and replacement of the store to the south west elevation with an extended store and the replacement of the flat roof to the single storey addition to the south west with a lean-to roof.

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It had been referred to Committee as it was an internal application relating to a site under the ownership of Sevenoaks District Council.

It was moved by the Chairman and duly seconded that the recommendation in the agenda to grant planning permission be agreed. Members considered that the application had been shown to be acceptable in planning terms.

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 development hereby permitted shall be carried out in accordance with the following approved plans: amended plan 1039-004-03 date stamped received 30.7.15 and 1039-004-04.

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

- 3) 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 in accordance with amended drawing number 1039-004-03 date stamped received 30.07.15.

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.

39. SE/15/00216/OUT - Meeting Point Day Centre Rural Age Concern, 27-37 High Street, Swanley BR8 8AE

The proposal was an outline application for the demolition of existing buildings and construction of a mixed use development to include 14 flats and retail premises with some matters reserved.

The report advised that the application had previously been considered by the Committee on 28 May 2015 at which the Committee granted permission subject to the completion of a Section 106 agreement within three months, failing which planning permission was to be refused. Since that meeting Sevenoaks District Council had retained ownership of this site. Sevenoaks District Council as landowner could not enter into a legal agreement with itself and so planning permission could not be granted in accordance with the resolution of the Committee. It was therefore proposed to amend the recommendation to remove the requirement for a Section 106 agreement for the affordable housing and to add a condition for affordable housing to avoid the need for unnecessarily refusing consent whilst ensuring that the delivery of affordable housing could be secured in a legal agreement at a later date.

The application had been referred to Development Control Committee because the application site was owned by the Council.

Members asked questions of clarification from the officers.

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It was moved by the Chairman and duly seconded that the recommendation in the agenda to grant planning permission be agreed. Members noted it was important to secure the affordable housing provision.

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

- 1) Details relating to the scale, layout and appearance of the proposed building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development is commenced.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 3) The development to which this permission relates must be begun before:
  - The expiration of three years from the date of this permission; or
  - The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 4) Prior to commencement of work on site, details shall be submitted to and be approved in writing by the Council to demonstrate provision of on site parking facilities for personnel and visitors and for the storage of materials and plant. Such provision shall be retained for the duration of the building works. The scheme shall be carried out in accordance with the approved details.

In the interests of highways safety and the free flow of traffic on the adjacent highway. "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."

- 5) Prior to commencement of work on site and for the duration of construction facilities shall be provided for wheel washing. The details shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of works and the scheme shall be implemented in accordance with the approved scheme.

To avoid the deposit of mud and dirt on the adjacent highway. 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.

- 6) 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 building hereby

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permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

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.

- 7) Within 3 months of the commencement of development details shall be submitted to and be approved by the Local Planning Authority of a proposed hard and soft landscaping scheme providing details of materials, species, planting density, planting size and planting programme of all new planting. The scheme shall be implemented in accordance with the approved plans. Any plants that die, become diseased, are damaged or removed within 5 years of the occupation of the development shall be replaced with plants of a species, size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance upon completion.

- 8) Prior to the first occupation of the development, details shall be provided in writing to and be approved by the Local Planning Authority of the proposed bin stores. The store shall be provided prior to the first occupation of the development.

To ensure a satisfactory environment upon completion.

- 9) Prior to first occupation details shall be submitted to the Local Planning Authority in writing and be approved by them of the proposed cycle storage facility. The scheme shall be carried out in accordance with the approved plans prior to the first occupation of the scheme.

To ensure the satisfactory operation of the scheme upon completion.

- 10) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of the access only: 3867-PD-01RevB

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

- 11) Prior to the commencement of work on site and for the duration of construction, provision shall be made on site for the parking, loading/unloading and turning of construction vehicles.

In the interests of highways safety and the free flow of traffic on the adjacent highway. 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."

- 12) Prior to the use of the site commencing the parking spaces shown on the approved plans shall be provided and permanently retained. The parking spaces should not be allocated to specific flats / retail units.

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In the interests of highways safety and the free flow of traffic on the adjacent highway.

- 13) Details submitted pursuant to condition 1 shall show a building with a ridge height no greater than the ridge height of 39 High Street, Swanley.

In order to ensure a building that is sympathetic to the scale of the surrounding streetscene in accordance with the provisions of the NPPF, policy SP1 of the Core Strategy and policy EN1 of the ADMP.

- 14) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units
  - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;
  - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The Local Planning Authority is satisfied that it is fundamental to the development permitted to ensure the provision of affordable housing is met as supported by Policy SP3 of Sevenoaks District Councils Core Strategy and that without this safeguard it would result in a failure to meet this need.

### Informatives

- 1) 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 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.
- 2) 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

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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.

- 3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) You are advised that a Party Wall Agreement will be required in connection with the works adjoining 37 High Street.

THE MEETING WAS CONCLUDED AT 7.18 PM

CHAIRMAN

