

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 8 September 2016 commencing at 7.00 pm

Present: Cllr. Thornton (Vice Chairman) (in the Chair)

Cllrs. Barnes, Brown, Clark, Cooke, Gaywood, Hogg, Horwood, Mrs. Hunter, Kitchener, Layland, Parkin, Purves and Reay

Apologies for absence were received from Cllrs. Ball, Bosley, Edwards-Winser, Miss. Stack and Williamson

Cllrs. Dickins, Piper and Searles were also present.

### 27. Minutes

Resolved: That the minutes of the Development Control Committee held on 28 July 2016 be approved and signed by the Chairman as a correct record.

### 28. Declarations of Interest or Predetermination

Councillor Cooke declared for Minute 33 - SE/15/03839/FUL The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS and Minute 34 - SE/15/03840/LBCALT The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS that he had previously had discussions with the Parish Council about the applications and was involved as local Member but that he remained open minded.

Councillor Hogg declared for Minute 35 - SE/16/01460/FUL Land South West Of 2 Salisbury Avenue, Swanley BR8 8DG that he had previously considered the matter when it was discussed by Swanley Town Council, but he remained open minded. He also lived close to the application site but did not have a disclosable pecuniary interest.

Councillor Barnes declared for Minute 35 - SE/16/01460/FUL Land South West Of 2 Salisbury Avenue, Swanley BR8 8DG that he had previously considered the matters when it was discussed by Swanley Town Council, but he but remained open minded.

Councillor Horwood declared for Minute 35 - SE/16/01460/FUL Land South West Of 2 Salisbury Avenue, Swanley BR8 8DG that he had been present when the matter was previously considered by Swanley Town Council, but he had not been involved in the decision taken.

Councillor Searles, having a disclosable pecuniary interest in Minute 30 - SE/16/02102/LDCEX - Jubilee Cottage, 9 Egerton Avenue, Hextable BR8 7LG, left the room during the consideration of the item.

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### 29. Declarations of Lobbying

Councillors Clark and Cooke declared that they had been lobbied in respect of Minute 33 - SE/15/03839/FUL The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS and Minute 34 - SE/15/03840/LBCALT The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS.

All Members of the Committee declared that they had been lobbied in respect of Minute 31 - SE/16/01857/WTPO - Pippin Cottage, The Green, Leigh TN11 8QJ.

Councillors Barnes, Cooke, Hogg, Horwood, Kitchener, Layland, Parkin, Purves, Reay and Thornton declared that they had been lobbied in respect of Minute 32 - Objection to Tree Preservation Order number 4 of 2016 Located at Fort Halstead and adjacent wooded areas.

### Unreserved Planning Applications

There were no public speakers against the following item and no Member reserved the item for debate. Therefore, in accordance with Part 7.3(e) of the constitution, the following matter was considered without debate:

### 30. SE/16/02102/LDCEX - Jubilee Cottage, 9 Egerton Avenue, Hextable BR8 7LG

The proposal sought confirmation that the use of first floor accommodation above a domestic garage, study and store as separate residential flat and the use of land at the rear as a patio was lawful.

Members' attention was brought to the main agenda papers.

Resolved: That a Certificate of Lawfulness be granted for use of the first floor accommodation above domestic garage/study/store as separate residential flat and use of land at the rear as a patio because evidence had been submitted which shows that the first floor of the building has been used as a separate residential unit for over 4 years and was immune from planning enforcement action. No other evidence was available or had been submitted to challenge this and therefore on the balance of probability, lawfulness has been demonstrated.

(Cllr. Searles left the room for the duration of this item)

### Change in order of agenda items

With the agreement of the Committee, the Chairman brought forward agenda items 5.1 SE/16/01857/WTPO - Pippin Cottage, The Green, Leigh TN11 8QJ and 5.2 Objection to Tree Preservation Order number 4 of 2016 Located at Fort Halstead and adjacent wooded areas.

### Tree Preservation Orders

### 31. SE/16/01857/WTPO - Pippin Cottage, The Green, Leigh TN11 8QJ

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The application sought the removal of two mature oak trees, T1 and T2 of TPO 10 of 2003 from within the garden of Pippin Cottage, Leigh. The owner's insurance company had requested that the two trees be taken down to stop further damage to the building.

The Arboricultural and Landscape Officer advised that further representations had been received from the owners including a letter from engineering consultants. The insurance company was considering all options to protect the property, such as by underpinning or by means of a root barrier. Officers had not considered these options due to their costs and the risk that the applicants seek costs from the Council if the application were refused or subject to conditions. Insurers had also advised the owners that there was insufficient evidence that T2 was implicated in the subsidence.

Members asked questions of clarification from the Officers.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant consent be agreed.

Members discussed the other options to protect the property other than felling the trees and the amenity value of the two trees.

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

It was moved by the Chairman and duly seconded that consent be refused on the grounds that the Council was not satisfied, when balancing the commercial and environmental benefits of the trees, that there was sufficient evidence to justify the loss of these visually very important mature oak trees within the Leigh Conservation Area. The proposed works would result in harm to the amenity value of the trees in the local area and significant harm to the Conservation Area with the loss of the trees.

Members noted the Officer's comments that the trees were a valuable contribution to the amenity of the village, an important part of the character of the Conservation Area and that their loss would create significant harm to the Conservation Area. Insufficient convincing evidence had been supplied, particularly given the alternative options raised and in the role of T2 in subsidence.

The motion was put to the vote and it was

Resolved: That consent be refused for the following reason

The Council was not satisfied, when balancing the commercial and environmental benefits of the trees, that there was sufficient evidence to justify the loss of these visually very important mature oak trees within the Leigh Conservation Area. The proposed works would result in harm to the amenity value of the trees in the local area and significant harm to the Conservation Area with the loss of these trees.

(Cllr. Gaywood was absent from the Chamber at the commencement of this item and took part in debate but took no part in the voting thereon.)

**32. Objection to Tree Preservation Order number 4 of 2016 Located at Fort Halstead and adjacent wooded areas**

The Tree Preservation Order related to an area of mixed species woodland throughout the grounds of Fort Halstead as well as the surrounding residential estate. The perimeter woodland areas were designated as Ancient & Semi-Natural Woodland. The inner areas of the Fort and the housing estate were generally sporadic and spread out individual specimens.

The Arboricultural and Landscape Officer advised that the Order had been served following a report by a concerned resident that the felling of mature healthy specimens was being carried out. The felling of mature trees had been confirmed as located outside of the Fort perimeter and adjacent to a site within Armstrong Close. Objections had been received from DSTL as occupants, the site owners of the Fort and prospective occupants of a property in Fort Road.

In response to a question, Officers advised that the Order would preserve trees at those properties already sold off and at those subject to planning permission, where the conditions for tree management had not yet taken effect.

It was moved by the Chairman and duly seconded that the recommendation in the report to confirm the Order without amendment be agreed. The motion was put to the vote and it was

Resolved: That the tree preservation order No. 04 of 2016 be confirmed without amendment.

**Reserved Planning Applications**

The Committee considered the following planning applications:

**33. SE/15/03839/FUL - The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS**

The proposal sought planning permission for the demolition of the existing side and rear projections, comprising an original outbuilding that had been linked to the pub building and the erection of a part single, part two storey side and rear extension.

The application was subject to an appeal under non-determination and it had been referred to the Committee by the Chief Planning Officer so that Members could advise Officers what resolution they would have reached, had they had the opportunity to decide it.

Members' attention was brought to the main agenda papers and the late observations sheet, which did not alter the recommendation.

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The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Edmund Byrne
Parish Representative:	Richard Streatfield
Local Member:	-

Members asked questions of clarification from the speakers and Officers.

It was moved by the Chairman and duly seconded that the recommendation in the report to defend the appeal, be agreed.

Members discussed the extent to which very special circumstances had been made out for the extension and considered the comments from the speaker in favour of the application that there had been 5 failed tenancies in the property since 1999 and that expansion was a condition of a particular potential tenant taking occupation. The Committee discussed whether the extension was subservient to the original building.

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

Resolved: That the appeal against non-determination not be defended.

At 8.45 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 8.50 p.m.

### 34. SE/15/03840/LBCALT - The Rock Inn, Hoath Corner, Chiddingstone Hoath TN8 7BS

The proposal sought listed building consent for the demolition of the existing side and rear projections, comprising an original outbuilding that had been linked to the pub building and the erection of a part single, part two storey side and rear extension.

The application was subject to an appeal under non-determination and it had been referred to the Committee by the Chief Planning Officer so that Members could advise Officers what resolution they would have reached, had they had the opportunity to decide it.

Members' attention was brought to the main agenda papers and the late observations sheet, which did not alter the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Edmund Byrne
Parish Representative:	Richard Streatfield
Local Member:	-

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Members asked questions of clarification from the speakers and Officers. The Conservation Officer advised that the Council had sought justification for the open panelling. Their removal would lead to an open plan character, completely contrary to the small and intimate character of the building.

It was moved by the Chairman and duly seconded that the recommendation in the report, be agreed.

The Committee discussed the proposals and their impact upon the listed building. Concern was raised at the opening up visually of the small bar to the newer, larger area.

The motion was put to the vote and it was

Resolved: That Members resolve to defend the appeal against non-determination on the basis that if the determination had been within time the application would have been refused for the following reason

The proposed works would lead to less than substantial harm to the historic fabric, integrity and character of the listed building. There were no public benefits in this instance, including securing its optimum viable use, to weigh against this harm. The proposal therefore failed to accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, policy SP1 of the Sevenoaks Core Strategy and policy EN4 of the Sevenoaks Allocations and Development Management Plan.

### 35. SE/16/01460/FUL - Land South West Of 2 Salisbury Avenue, Swanley BR8 8DG

The proposal was for the erection of a 2-bed chalet bungalow. The application had been referred to the Committee by Cllr. Searles to consider the principle of the development and its impact on street scene and amenity.

Members' attention was brought to the main agenda papers and the late observations sheet, which noted that one of the shared owners, Highways England, had not been given notice of the planning application. It therefore amended the recommendation such that a grant of planning application be deferred until evidence had been submitted to the Council of the appropriate notice being served on the Highways England and that the 21 days' notice period had expired.

The Committee was addressed by the following speakers:

Against the Application:	Paul Morey
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Searles

Members asked questions of clarification from the speakers and Officers.

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It was moved by the Chairman and duly seconded that the recommendations in the report, as amended by the late observations sheet, be agreed.

The motion was put to the vote and it was

Resolved: That

- a) the Chief Planning Officer be given delegated powers to grant planning permission once the 21 day notice period to be served on Highways England has expired and no new matters arise and 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: AT/P.01/A; P.02/A; P.03/A; P.04.

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

- 3) No development shall be carried out on the land until samples 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 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. 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.

- 4) Notwithstanding the details shown on the hereby approved plans a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:
  - a) soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;
  - b) enclosures: including types, dimensions and treatments of boundaries (including a more appropriate boundary treatment to the front of the approved dwellings), walls, fences, pedestrian and

vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;

c) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if applicable synthetic surfaces; and

d) any other landscaping feature(s) forming part of the scheme. All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan. 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) No development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy, policies EN1 and GI1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework. 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) The noise mitigation measures set out in section 7 of the hereby approved Road traffic noise assessment (by Peter Moore Acoustics Ltd, dated 11 June 2016, reference 160603/1) shall be implemented in accordance with the recommendations in the report prior to the first occupation of the dwelling. The noise mitigation measures,



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including retention of a minimum 1.8m high front boundary fence shall be retained thereafter in accordance with the approved details.

To ensure the provision of adequate residential amenities for future occupiers in accordance with paragraph 123 of the National Planning Policy Framework and policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan. 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.

- 7) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing AT/P.04 shall be provided and shall be kept available for the parking of cars at all times.

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

- 8) No development shall be carried out on the land until details for the provision of an electric vehicle charging point for the dwelling has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point shall be installed in accordance with the details so approved prior to the first occupation of the dwelling hereby approved.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan. 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.

- 9) The first floor level window in the side elevation and rear facing dormer window of the dwelling shall be obscure glazed and fixed shut below 1.7m from finished floor level and shall be retained and maintained as such thereafter.

In order to safeguard the residential amenities of surrounding occupiers in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

### Informative

Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community

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Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

and

- b) in the event that objections are raised by Highways England the application be reported back to Development Control Committee.

THE MEETING WAS CONCLUDED AT 9.52 PM

CHAIRMAN