

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 25 October 2012 commencing at 7.00 pm

Present: Cllr. Williamson (Vice-Chairman in the Chair)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Davison, Dickins, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Underwood

Apologies for absence were received from Cllrs. Brown, Mrs. Dawson and Gaywood

Cllrs. Ayres, Mrs. Davison, Searles and Miss. Stack were also present.

Prior to commencing with the formal business of the meeting, the Chairman proposed five minutes reading time for all those present to read through the minutes of the previous meeting which had been tabled.

82. Minutes

The agenda had envisaged that the minutes for the meeting on 18 October 2012 would not be available until the meeting on 22 November 2012. As they had already been published the Chairman proposed that they be considered at the instant meeting instead. Copies of the minutes were tabled for Members of the Committee.

Officers agreed to update Cllr. Scholey on whether the movement of the post box was covered by the conditions applied to the permission for minute item 80, Land SW of Forge Garage, Highstreet, Penshurst.

Resolved: That the minutes of the meeting of the Development Control Committee held on 18 October 2012 be approved and signed by the Chairman as a correct record.

83. Declarations of Interest or Predetermination

Cllrs. Brookbank and Underwood declared in respect of item 3.2 SE/12/01617/FUL - Cold Harbour Farm, Wood Street, Swanley Kent BR8 7PA that they were also members of Swanley Town Council which had already considered the matter.

84. Declarations of Lobbying

All Member of the Committee declared that they had been lobbied in respect of item 3.1 SE/12/02319/CONVAR - The Wheatsheaf, High Street, Kemsing Sevenoaks TN15 6NA.

Reserved Planning Applications

The Committee considered the following applications:

85. SE/12/02319/CONVAR - The Wheatsheaf , High Street, Kemsing Sevenoaks TN15 6NA

The proposal sought variation of conditions 8 (wheelwashing facilities) and 12 (drawing numbers) of planning application ref SE/12/00765/FUL to revise the design and siting of the garage block already approved and to approve wheelwashing facilities. The permission related to the erection of three houses with rear garaging and forecourt with ancillary landscaping and a new footway.

The garage as previously approved would comprise a block of three single-width garages sited broadly at right angles to the rear boundary of Well Cottage towards the rear of the site. It would be set back from the boundary with Well Cottage by between 5-7m. The scheme now proposed increasing the depth of the garage block by 3m by adding secure storage areas at the rear of each garage. The garages would therefore be 2-4m from the boundary with Well Cottage rather than the previous 5-7m. The eaves height would rise to 2.5m at the front of the garage but would be only 1.8m to the rear. The ridge height would rise by 0.16m.

The report advised that the development would preserve those trees on the site which were important to the visual amenities of the locality, preserve the special character and appearance of the Conservation Area and preserve the setting of the adjacent listed buildings. Any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed.

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

The Committee was addressed by the following speakers:

Against the Application:	Ritch Sibthorpe
For the Application:	Graham Norton
Parish Representative:	-
Local Member:	Cllr. Miss. Stack

It was noted that a Members' Site Inspection had been held for this application.

In response to a question Officers confirmed that the neighbouring wall was listed as it was connected to Rose Cottage. The public speaker against the application presumed that this wall was owned by the applicant. At the point where the gardens were most open the wall was 2.7m tall from the side of the application site.

Permitted Development rights had been removed from the site and so the owners would have no automatic right to install a shed.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Concerns were raised regarding the impact of the garages on the conservation area, on the listed wall and on neighbouring amenity. It was suggested that the increased height could make the garages visible from the neighbouring properties, especially if some of the boundary foliage were lost.

Other Members suggested it was unlikely the extension to the garage could be seen from next door because the wall was sufficiently high and the garage roof sloped away from the adjoining properties. One Member noted that the increased storage area could benefit the site as it would reduce the number of objects left out in the open.

The motion was put to the vote and there voted –

11 votes in favour of the motion

4 votes against the motion

Resolved: That

A. That subject to the submission of an agreed and signed Deed of Variation in respect of the Affordable Housing Contribution by midday on 26th November 2012, planning permission be GRANTED subject to the conditions below:

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 occupation shall commence until full details of soft landscape works have been submitted to and approved in writing by the Council. 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
- details of all materials proposed for hard landscaping.

The scheme shall be carried out in accordance with the approved plans. If within a period of 5 years from the completion of the planting scheme any of the plants die, become diseased, are damaged or removed, the plants shall be replaced with a species, of a size and in a position to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

3) No occupation shall take place until the first floor bathroom window in the flank elevation of unit 1 has been fitted with obscured glass and fixed permanently shut. The window shall be retained permanently as such thereafter.

To protect the privacy and amenities of the adjacent residents in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

4) Notwithstanding the submitted drawings, no occupation shall take place until details have been submitted to and approved in writing by the Local Planning Authority of:

- details of any repairs/replacement to the existing boundary wall between this site and the adjacent houses of St Ediths View, Well Cottage and Rose Cottage.
- proposed means of boundary treatment along the rear of the site

The approved scheme for the means of enclosure around the whole site shall be carried out in accordance with the approved plans prior to first occupation and shall be permanently retained thereafter.

To ensure a satisfactory appearance within this Conservation Area in accordance with the provisions of policies EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

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

In the interests of the character and amenities of the surrounding Conservation area.

6) No window(s) or other opening(s) shall be inserted at any time in the houses or garages hereby approved without the prior approval in writing of the Local Planning Authority despite the provisions of any Development Order.

To protect the amenities of nearby residents and character and appearance of the surrounding conservation area in accordance with the provisions of policies EN1 and EN23 of the Sevenoaks District Local Plan and policy SP1 of the Core Strategy.

7) No occupation of the development hereby permitted shall take place until the access, garaging, car parking and turning areas shown on the approved plan have been provided. Thereafter no development shall take place that would prevent the permanent use of the access, garages and parking spaces for that purpose.

To ensure satisfactory levels of off street parking.

8) No occupation shall take place until details have been submitted in writing to and approved by the Local Planning Authority of a scheme to demonstrate that the visibility splays shown on the approved drawing can be achieved. No occupation shall take place until the visibility splays are formed in accordance with the approved scheme. Thereafter no development or planting shall obscure the visibility splays between a height of 0.6m above ground - 2m above ground.

In the interests of highways safety.

9) The scheme shall be constructed using the following materials unless otherwise agreed in writing by the Local Planning Authority: Wienerberger Bloomsbury Multi Stock Brick, Terca Baggeridge Warnham Red Stock, Keymer Traditional Elizabethan Tiles, Sandtoft Village Blend tiles, Redland Cambrian Natural Weathered Slates.

To ensure satisfactory appearance upon completion.

10) 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.

In the interests of the character and amenities of the surrounding Conservation Area.

11) Wheelwashing facilities shall be provided on site for the duration of the development works and shall be provided in accordance with the details shown on drawing number PLK-104.

To ensure that no mud or other debris is deposited on the nearby public highway.

12) The scheme shall be carried out in accordance with the following plans: PLK-500, PLK-004C, 009C, 020A, 100, 101F, -103, 104, 010C, 1002B, 200, 202, 203, 204.

In the interests of the proper planning of the area.

Or,

B. If an agreed and signed Deed of Variation has not been submitted by midday on 26th November 2012 permission shall be REFUSED because –

The proposed development makes no provision for a contribution towards the Councils Affordable Housing initiative and, nor has it been demonstrated that such a contribution would render the scheme unviable. This scheme is therefore contrary to the provisions of policy SP3 of the Sevenoaks Core Strategy and policy H3 of the South East Plan.

86. SE/12/01617/FUL - Cold Harbour Farm, Wood Street, Swanley Kent BR8 7PA

The proposal was for the retrospective change of use of South Barn from equestrian use to B1 Business Use to allow an existing business (testing oil samples), which was owned by the new owner of Coldharbour Farm and operated out of the Blue Chalet Industrial Estate in West Kingsdown, to move to the site.

It was reported that a change of use to a B1 use had already taken place and that since May 2008 a wine import and export business had operated from the building.

The existing access would be used for the site. Sufficient car parking would be provided for 11 cars with sufficient turning space within the site to enable access to the highway in a forward direction.

The report stated that the change of use sought and the impact upon the surrounding area was compliant with policies seeking to protect the area. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality, the traffic movements generated by the development could be accommodated without detriment to highway safety and the development was considered to be appropriate development within the Metropolitan Green Belt.

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

The Committee was addressed by the following speakers:

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

In response to a question Officers explained that although they proposed a condition to regulate the hours of commercial use they did not intend a condition to deal explicitly with emergency deliveries. Officers had been informed by the applicant that emergency deliveries would occur "every now and then". If such deliveries were rare then it was unlikely enforcement action would be taken.

The number of car parking spaces to be provided was based on the floorspace of the building. Hardstanding for parking was already partly present but would be resurfaced and would be permeable. Officers considered the likelihood of water pollution from the business to be small; the quantities of oil tested would be small and there would be no external storage of it.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Some Members believed the change of use itself would have little impact as an isolated change, though they noted there had been a series of changes on the site over previous years. As there would be a reduction in HGV use and traffic would only be between 9am and 6pm on weekdays it was believed that there would be little increased harm through traffic. It was suggested the wooden cladding and new windows could enhance the site. A Member welcomed the increased employment on the site.

The Local Member, who sat on the Committee, considered that the use was not appropriate for the Green Belt but was turning a previously agricultural site into an industrial one. The use was more appropriate in an industrial park.

The motion was put to the vote and there voted –

12 votes in favour of the motion

2 votes against the motion

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 development shall be those indicated on the approved plan 1957/6B.

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.

3) Prior to the commencement of the proposed use, the parking spaces shown on drawing reference 1957/6B shall be provided and maintained for parking permanently thereafter. Details shall be provided to and be approved in writing by the Local Planning Authority of the surfacing proposed for the parking spaces 6 -9 and associated turning area, as shown on drawing reference 1957/6B prior to the commencement of works. The scheme shall be implemented in accordance with the approved details.

To ensure adequate off street parking in accordance with the provisions of policies EN1 and VP1 of the Sevenoaks District Local Plan.

4) The scheme is required to achieve BREEAM Very Good standards and prior to the first use of the site details shall be submitted in writing to and be approved in writing by the Local Planning Authority to demonstrate that these standards have been achieved.

To ensure a sustainable form of development and to comply with policy SP2 of the Sevenoaks Core Strategy.

5) The landscaping shown on drawing number 1957/6B shall be planted during the first available planting season following the commencement of development hereby approved. Any plants that die within 5 years of being planted shall be replaced with a species, of a size and in a location to be agreed with the Local Planning Authority.

To ensure a satisfactory appearance to the completed scheme in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

6) Works to the building hereby approved shall be carried out in accordance with the approved plans and the building shall be used only for uses falling within Use Class B1 and no external changes or change of use shall take place without the prior written approval of the Local Planning Authority, including any changes permitted by the Town & Country Planning (General Permitted Development) Order (or any subsequent amendments).

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To ensure a satisfactory impact upon the surrounding Green Belt and adjacent Conservation Area in accordance with the provisions of the National Planning Policy Framework.

7) The development hereby permitted shall be carried out in accordance with the following approved plans: 1957/1,2B rev 10/12,3,4A rev 08/12,5A rev 08/12,6B, 1957/6B, rev 09/12,

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

8) No external storage shall take place without the prior approval in writing of the Local Planning Authority

To protect the openness and character of the surrounding Green Belt.

9) The use hereby approved shall only operate between the hours of 9am – 6pm Mondays to Fridays and 9am – 1pm Saturdays and not at all on Sundays and Bank Holidays.

To protect the amenities of the surrounding rural area in accordance with the provisions of Policy EN1 of the Sevenoaks District Local Plan.

87. SE/11/03184/FUL - Land North of Downsvie, 48 Green Court Road, Crockenhill, Kent

The proposal was for permission to install metal fencing along the north, south and east boundaries of the site. It would measure 2m in height and would incorporate vertical repeats. Permitted development rights to erect, construct, maintain improve or alter a gate, fence, wall or other means of enclosure on the land had previously been removed.

The application site was located within the Green Belt. There were several trees protected by TPOs located on the boundaries of the site.

The report advised that there was a presumption against inappropriate development in the Green Belt and that the proposal was contrary to the definition of appropriate development found in the National Planning Policy Framework. Due to the design and height of the proposed fence it would cause harm to the openness and visual amenities of the surrounding Green Belt and the character of the surrounding countryside. No very special circumstances had been provided that clearly overcame the harm caused. Further, insufficient information had been presented to demonstrate the proposal would have no adverse impact on the protected trees that surround the site.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Mrs. Dibsdall

Officers advised that the neighbouring field had unlimited B8 use. Members noted the comments of the Local Member and were concerned by the poor condition of the shipping containers in the adjoining field. They also noted the health and safety dangers which could arise, particularly from children trespassing on the site.

Officers were unable to place a condition on vegetation around the fence but the Local Member had assured the Committee that the Parish Council intended to provide boundary hedging.

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

Members of the Committee suggested that a metal fence could seem inappropriate on the site and may make it appear more urban. If the nearby containers were to be removed at some future point then the fence could seem excessive for enclosing the property. Even if the fence were 2m in height the containers in the neighbouring field would still be visible.

Other Members of the Committee proposed that the fence had relatively little impact when compared to the containers in the adjoining field. The special circumstances of the case could overcome the harm caused.

The motion was put to the vote and there voted –

13 votes in favour of the motion

2 votes against 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 by way of its height, solid appearance and design. No very special circumstances have been put forward that clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policies SP5 of the South East Plan L08 of the Core Strategy and the National Planning Policy Framework.

The proposed fence would by virtue of its size and design, represent an alien and intrusive feature which would have an adverse impact on the visual quality of the landscape. The proposed development would therefore have a detrimental impact on the character of the countryside and the open visual appearance of the Green Belt. This conflicts with policy EN1, policies SP1 and L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

Insufficient information has been submitted to demonstrate that the proposal would not adversely impact upon the protected trees located on the eastern and southern boundaries of the site. This conflicts with policy EN1, policies SP1 and

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L08 of the Sevenoaks Core Strategy, policies SP5 and C4 of the South East Plan and the advice and guidance in National Planning Policy Framework.

Members advised Officers that they should consider what enforcement action may be appropriate regarding the shipping containers in the adjoining field, which the Members considered potentially dangerous. They suggested this enforcement action could either be by the Council (including planning control) or by other agencies.

THE MEETING WAS CONCLUDED AT 8.27 PM

CHAIRMAN