



**Late Observations Sheet
DEVELOPMENT MANAGEMENT COMMITTEE
25 January 2024 at 7.00 pm**

Late Observations

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DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 25 January 2024

LATE OBSERVATION SHEET

4.1 – 23/02002/FUL – 112A Chipstead Lane, Riverhead, Sevenoaks, Kent TN13 2AQ

Officer comment:

With regard to a recent appeal decision APP/R1845/W/23/3320016, it was determined by a Planning Inspector that it was unreasonable for a local authority to impose a condition relating to the submission of details of an electric vehicle charging point for a residential development and dismissed the appeal.

This scheme does propose an electrical vehicle charging point as shown on the proposed roof plan. Under Building Regulations - Document S “Infrastructure for the charging of electric vehicles” ensures the provision of vehicle charging units in new residential development.

In consideration of this any planning conditions that are imposed have to meet the statutory tests and be necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects as required by the Framework and the Planning Practice Guidance.

It is a long-held principle that local planning authorities should not duplicate the function of other regulatory bodies or controls. The Framework reminds that planning decisions should assume these other controls and regimes will operate effectively. Following the recent appeal decision, the wording of proposed condition 10 is to be amended, as submission of further details would not be required in this instance and that it should be amended.

The recommendation remains unchanged with amendment to *Condition 1* to read:

The dwelling shall be provided within an Electric Vehicle Charging Point for the safe charging of electric vehicles prior to its occupation.

Reason: To provide opportunities for low carbon sources of transport, in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

**4.2 23/02918/FUL - The Oast House, Kettleshill Farm, St Julians Road, Underriver Kent
TN15 0RX**

Additional Representations:

Two additional public comments have been received raising issues and concerns:

- Existing and proposed east elevation plan was not available on the website;

Supplementary Information

- Citing previous ownership, and previous high court appeal and non-demolition of the on-site building, allegation of unlawful actions of the Council and the history of the site as a building in the Green Belt.

Southern Water – Raising no further comments from their response dated 02 November 2023.

Officer Comment

The first comment states that the east elevation drawing has been superseded and the amended version is not available in the public domain. The existing and proposed east elevation drawing, reference 2023-02-OAS-07210 rev P2, has been on the file since 24th November and was publicly available on the website from this time, and was available during the second consultation period on the amended plans. It has been noted that the plan was unavailable for a short period of time over recent days due to an administrative error that has been resolved.

The representation raising issues relating to the previous ownership etc, has been considered. As stated in paragraph 64 of the Committee Report, the Development Plan is very different now, with adopted policy documents that were not present in the 1980s, 1990s, or even early 2000s. The application has been assessed against the relevant and adopted local and national planning policies that allow for conversions of buildings in the Green Belt, subject to certain criteria which are considered to be met in this case. The points raised are not considered material planning matters and do not form part of the assessment.

Recommendation remains to approve permission, as per committee papers and report.

4.3 - 23/02976/MMA – Lulworth, School Lane, Seal, Kent TN15 OBQ

Additional comments received from the Jubilee Rise Residents association stating:

'Whilst the residents are grateful to Julia Thornton for scheduling a public committee meeting, the letter to us dated 16th January and the Committee's decision, entered on your site shortly before, left us with feelings of dismay and disbelief.

Your own Conservation Area Impact criteria include the interpretation of the relevant Planning Act 1990 that, in law, preservation of a Conservation Area is accomplished both through a proposal making a positive contribution and/or by leaving the character and appearance of an Area unharmed.

Despite your own Conservation Office's plucky defence of these principles, both at the original assessment in September 2022 and now with their condemnation of the above Amendment, your Committee has swept them aside along with their recommendations and those of our own Parish Council and look like doing the same with all other pleas from any quarter that condemn the visual impact this Amendment will have on both the environment, the Conservation Area and the residents of properties that will lie in its shadow.

Coupled with this, it is not credible that a critic of this Amendment can put together a detailed, coherent case and pick apart the Committee's eleven page decision paper in the three minutes, generously granted through an out-of-date protocol, in such a way that SDC would be influenced to rethink their decision.

On site at Lulworth, it was telling that work resumed in earnest about a week ago, coinciding with the imminent release of your decision and, as I write a draft of this letter, I am able to watch the last of the windows being installed to all levels. Clearly, the contractor has more confidence than us in the outcome of this Thursday's meeting.

Understandably perhaps, I feel unable to participate in such a gathering'.

Additional comments from a member of the Seal Village Allotments Trust stating:

'The Trustees have reviewed the revised application in the light of this quantitative information. We were disappointed when our concerns with the original application about the size, height and closeness to our boundary of the northerly extension were not considered to be of significance in the Planning assessment. As I indicated in our earlier comments now that the building has been erected there is indeed noticeable overshadowing.

However as it seems the roof is only a relatively modest ca 0.5m higher than the approved plans we do not feel that this adds to this overshadowing to any significant extent. Therefore we have no objection to this revision of the previously approved application'.

Officer Comment

The issues raised by the residents association in relation to the committee procedure and the timeframe in which they have to speak at the committee are not material to the consideration of the case. Additionally, the impact on the Conservation Area has been addressed within the papers and would not be altered by this further comment.

The comment raised by the trustees of the Seal Village Allotments is worth noting as they previously objected to the proposal and now wish to retract the objection.

The applicant has provided amended floor plans and elevations with a reduced footprint (by approximately 30cm to the rear elevation) when compared with the original approval, as it had been noted that there was a drawing error.

This slight change to the footprint represents as a 'non-material' amendment to the scheme. The amended drawing is publicly available and interested parties have been informed of the amended plan on an 'information only' basis.

It is noted that interactive map as shown in the Seal Conservation Area Appraisal (2019) is not fully accessible, however this known problem and Section 6 of the 'Introduction to using the Appraisals' make the user aware of this known issue of not using the recommended software. The Councils Policy and Conservation Team are aware of this issue and are working on a solution. Despite this, even though there is a known accessibility issue with this document, on page 17 of the document if the Appraisal shows the photos of the views within the Jubilee Rise Character Area and that hard copy of document are available upon request.

Recommendation

The recommendation remains unchanged with amendment to *Condition 1* to read:

The development hereby permitted shall be carried out in accordance with the following approved plans and details: Proposed Plans (RA1558/REV G/02).

Supplementary Information

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