



Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
28 July 2011 at 7.00 pm

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

28 JULY 2011

LATE OBSERVATION SHEET

Item 5.01 SE/11/01148/FUL 16 Banckside, Hartley, Longfield DA3 7RD

The following neighbour representation was received from Mr and Mrs Dendas at 18 Banckside on 25 July 2011.

It can be summarised in the following points;

1. The petition submitted is valid and was not carried out improperly. It was believed (on the advice of Cllr. Ramsay) that a petition was the normal way for residents to lodge objections to a proposal.
2. The picture of the extension at no. 14 is misleading as it only shows the front and it does not run the entire flank of the property. Therefore it is not considered to be 'more imposing' than the one proposed.
3. The extension at no. 11 is not comparable to the proposal at no. 16 as the properties are of different designs and set differently within their plots which results in differences in the relationships with the neighbouring properties.
4. The alterations to no. 12 and no. 14 do affect the key design features of the house style.
5. The application will result in loss of light and the results of the 45 degree light test for daylight is disputed.
6. Loss of privacy is not limited to overlooking and includes anything that would affect the amenities of residents ie noise pollution.
7. There are no pitched roofed garages on houses of the same design as no. 16 along Banckside Road. The garage roof has been mentioned in a previous letter of objection (planning reference SE/11/00476/FUL refers) and the comments raised still apply to this application as they are unsympathetic with the character of the area.

The officer's recommendation remains unchanged.

Item 5.02 SE/11/00282/FUL The Oast House, Underriver, Sevenoaks TN15 0SB

This item has been WITHDRAWN from the DC Committee, due to an inaccuracy with the Site Plan.

Item 5.04 SE/11/01506/TELNOT Proposed Telecommunications Mast North West of Junction with London Road, Shurlock Avenue, Swanley

Prior Approval Explanation

Application Form for Prior Notification of Proposed Development in Respect of Permitted Development by Telecommunications Code Systems Operators

Town and Country Planning General Permitted Development Order 1995 Schedule 2, part 24

Supplementary Information

Certain forms of telecommunication development, for example, mobile telephone masts, can be erected under 'permitted development' subject to prior approval from the local planning authority.

The prior approval procedure means that the principle of development is accepted and the LPA can only consider the siting and appearance of the proposal.

The local planning authority has 56 days in which to let the mast operators know of its' decision on whether prior approval is required for siting and appearance and to let the operator know of its decision to give or refuse approval.

There is no power to extend the 56 day period.

The prior approval procedure applies to the construction, installation, alteration or replacement of:-

- A ground based mast of up to and including 15 metres in height
- A mast of up to and including 15 metres in height installed on a building or structure

Consultations received

The Town Council's comments were received on the 14.07.2011 and are attached as Appendix 1. The main issues include the following:-

- The Town Council objects to this proposal as it will be obtrusive to the street scene. Due to the proposed siting being close to residential properties, there will be a loss of visual amenity to many local residents.
- In addition, the Town Council has concerns regarding highways safety due to the proposed addition of street furniture adjacent to the roadway within a 40mph speed limit.
- There are already a number of masts sited within the parish area including those at Horizon House and the Orchards Academy, and the Town Council does not feel that any further new sites should be created. If new masts are required, then the Town Council requests that they be shared with existing sites. If this is not possible, then there are a number of other viable sites within the parish which should be considered, such as the electricity sub-station site at the top of London Road.

The Town Council request that it be noted that due to this being a re-application, local residents may not re-post objection letters, therefore the Town Council respectfully requests that previous comments for planning application SE/11/01204 be considered, including the petition submitted by local residents

Two petitions of objection have been received in conjunction with the application.

The first petition has been submitted by Cllr LA Ball, along with a notice and was received on the 22nd July. The petition contains 23 signatures. The objections are based on:-

- The visual appearance of the mast
- That it is considered that it would be better place in an area that is not residential.

The second petition was received with the Town Council's comments, and contains 26 signatures. The objection to the mast include the following:-

Risk to health

- The mast and equipment will destroy the streetscene
- Too close to residential properties
- That there is adequate mast provision

A neighbour representation has been received from Anne Weaton on 15 July 2011, who confirms that she objects to the mast.

The officer's recommendation remains unchanged.

6.01 Four Winds, Westerham

Appeal update. See Appendix 2 attached.

**PARISH COUNCIL PLANNING APPLICATION CONSULTATION
RESPONSE**

Reference :	SE/11/01506
Site :	Site North West of junction with London Road and Shurlock Avenue Swanley
Proposal :	Application for 12.5m telecommunications column with 1 no. equipment cabinet, 1 no. meter pillar and development ancillary thereto
<input type="checkbox"/> Support : ✓	
<input checked="" type="checkbox"/> Objection and Reasons : ✓	<p>The Town Council objects to this proposal as it will be obtrusive to the street scene. Due to the proposed siting being close to residential properties, there will be a loss of visual amenity to many local residents.</p> <p>In addition, the Town Council has concerns regarding highways safety due to the proposed addition of street furniture adjacent to the roadway within a 40mph speed limit.</p> <p>There are already a number of masts sited within the parish area including those at Horizon House and the Orchards Academy, and the Town Council does not feel that any further new sites should be created. If new masts are required, then the Town Council requests that they be shared with existing sites. If this is not possible, then there are a number of other viable sites within the parish which should be considered, such as the electricity sub-station site at the top of London Road.</p>
<input type="checkbox"/> No Comments:	
Further Comments:	The Town Council request that it be noted that due to this being a re-application, local residents may not re-post objection letters, therefore the Town Council respectfully requests that previous comments for planning application SE/11/01204 be considered, including the petition submitted by local residents
FROM:	Swanley Town Council

DATE:	14 July 2011

11/00239/0P/DEV
08/00612/0P/DEV



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Ms H Rose
Sevenoaks District Council
Assistant Appeals Officer
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Your Ref: 31/05/085
Our Ref: APP/G2245/C/11/2157216
Date: 25 July 2011

Dear Ms Rose

**Town and Country Planning Act 1990
Appeal by Mr Richard Banister
Site at Land At, Four Winds, Farley Common, Westerham, TN16 1UB**

I refer to your enforcement notice dated 10 June 2011 alleging Construction of basement garage and boundary wall.

In the case of *Kaur v SSE and Greenwich London Borough Council* [1990] JPL 814, it was held that a requirement of an enforcement notice which provided for the subsequent submission and approval of a scheme introduced an unacceptable degree of uncertainty. The subsequent case of *Payne v NAW and Caerphilly CBC* (QBD 5/1/06) held that such a notice is a nullity because it fails to comply with section 173(3) of the 1990 Act.

Your notice states at 5 c): (iii) implement an alternative scheme of restoring this part of the site to include a car parking layout (i.e. not at the original ground level) details of which shall first have been submitted to and approved in writing by the District Planning Authority. Such details to include cross sections (both north-south and east-west) to show the original and proposed levels.

Our initial view is that the notice may therefore be a nullity because it fails to meet the requirements of the Act. As such there would be nothing to correct and no further action could be taken on the appeals against it.

We fully accept that it is for your council to decide on the format of the notice; however, we consider that this error may be beyond the Secretary of State's powers of correction. In the circumstances you may wish to consider withdrawing this notice and re-issuing.

Please may we have your comments **within 14 days** of the date of this letter? If no reply is received within this period, it will be assumed you accept that the notice is a



SEVENOAKS DISTRICT COUNCIL
REC'D 25 JUL 2011
COMMUNITY & PLANNING SERVICES

nullity. We will therefore close our file and no further action will be taken on the appeal.

A copy of this letter has been sent to the appellant's agent.

Yours sincerely

Fran Littler

SCHEMES

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*