

DEVELOPMENT CONTROL COMMITTEE

**Minutes of the meeting of the Development Control Committee
held on 9 June 2011 commencing at 7.00 pm**

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

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Clark, Cllr. P Cooke, Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Scholey, Cllr. J Thornton, Cllr. J Underwood and Cllr. R Walshe

Apologies for absence were received from. Cllr. Mrs A Dawson and Cllr. C Brown

Cllr. L Ayres, Cllr. Mrs E Bracken and Cllr. M Fittock were also present.

1. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 7 APRIL 2011

Resolved: That the minutes of the meeting of the Development Control Committee held on 7 April 2011 be approved and signed by the Chairman as a correct record.

2. DECLARATIONS OF INTEREST OR PREDETERMINATION

Cllr. Williamson declared a personal interest in respect of item 5.10 SE/10/03498: 91 High Street and The Shambles, Sevenoaks as his business abutted the Shambles. However the item was not discussed and it was not necessary for him to withdraw from the meeting.

Cllrs. Brookbank declared a personal interest in item 5.14 SE/11/01076/TELNOT: Land South of Service Station, London Road, Swanley as a dual hatted member of both the District Council and Swanley Town Council which had already expressed views on the matter.

Cllr. McGarvey declared a personal interest in items 5.08 SE/11/00774/FUL and 5.09 SE/11/00775/LBCALT: Hodson House, High Street, Farningham, Dartford as a dual hatted member of both the District Council and Farningham Parish Council which had already expressed views on the matter. He stated that the Town Council's views were not binding and he would be considering the matters afresh but made it clear he would not vote on the issue.

Cllr. Piper declared a personal interest in items 5.08 SE/11/00774/FUL and SE/11/00775/LBCALT: Hodson House, High Street, Farningham, Dartford as a dual hatted member of both the District Council and Sevenoaks Town Council which had already expressed views on the matter.

Cllr. Underwood declared a personal interest in item 5.14 SE/11/01076/TELNOT: Land South of Service Station, London Road, Swanley as a dual hatted member of both the District Council and Swanley Town Council which had already expressed views on the matter.

3. **DECLARATIONS OF LOBBYING**

All Members of the Committee declared that they had been lobbied in respect of item 6.01 - Enforcement of Planning Control: Four Winds, Farley Common, Westerham.

Cllr. Miss. Thornton also declared that she had been lobbied in respect of item 5.03 – SE/11/00370/FUL Fairlawn, Wildernesse Avenue, Sevenoaks.

Cllr. McGarvey also declared that he had been lobbied in respect of item 7.01 - Objection to TPO/01/2011: Crispins, The Street, Horton Kirby, South Darenth.

4. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

5. **ORDER OF THE AGENDA**

The Chairman indicated that, with the approval of Members, he would deal first with the tree preservation orders at items 7.01 and 7.02 as the Officer concerned was not involved in any other matters on the agenda.

6. **TREE PRESERVATION ORDERS**

7.01 Objection to TPO/01/2011: Crispins, The Street, Horton Kirby, South Darenth

The Committee noted that the Order related to an individual Ash tree located within the garden of Crispins, The Street, Horton Kirby. The report advised that the owner of the property had stated within her objection that the tree was overbearing. The owners also stated that the tree caused all surrounding buildings and furniture to be coated in a green residue that required constant attention.

Members were advised that its removal would be very much noticed and would have a negative affect on the local landscape. Any problem of restriction of light and overhanging branches could be overcome by sensibly pruning the canopy of this tree.

The Local Member was concerned by its proximity to the house given its size. He informed the Committee that the house predated the tree. The Arboricultural and Landscape Officer told Members that there was potential for pruning, possibly of

30%, which could last 5 or 6 years. He was prepared to give free advice on the matter to the owners of the property.

Resolved: That the Tree Preservation Order No. 1 of 2011 be confirmed without amendments.

Informatives

The Arboricultural and Landscape Officer is invited to discuss acceptable pruning of the tree with the property owner.

7.02 Objection to TPO/206/2011: 14 Woodlands Rise, Swanley

The committee noted that the order related to an individual oak tree located within the garden of 14 Woodlands Rise, Swanley. The report advised that an objection was received on the grounds that this tree had damaged the boundary wall between two properties damage.

Members were advised that it was beyond dispute that damage had occurred to the boundary wall. No evidence had been provided to prove that the tree was the cause of the damage but given the proximity of the tree to the wall, it was extremely likely. They were also advised that the tree's removal would be very much noticed and would have a negative affect on the local landscape. Objections could be overcome by the submission of an application to carry out periodic pruning works.

Some Members were concerned by the size of the tree. The Arboricultural and Landscape Officer recommended that it be pruned.

Resolved: That the Tree Preservation Order No. 6 of 2011 be confirmed without amendments.

7. UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered en bloc:

Item 5.01 - SE/11/00470/FUL Green Coppers, Wildernesse Avenue, Sevenoaks

The report advised that permission was now sought for a further amendment to the original planning permission (SE/08/00930/FUL), as later amended, for a glazed link extension of between the main body of the dwelling and the adjoining garage. The addition was a conservatory style element with glazed pitched roof.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00470/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) All doors and windows shall be constructed in accordance with the detailed drawings submitted under SE/08/02305, unless agreed otherwise in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

- 2) Soft landscape works shall be undertaken in accordance with the details approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan

- 3) The soft landscape works shall be carried out before the end of the first planting season following completion of the development or first occupation of the dwelling, whichever is sooner. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 5) Tree protection measures shall be undertaken in accordance with the details approved under SE/08/02434 unless agreed otherwise in writing by the local planning authority. The approved protection measures shall be in place before demolition commences and before any equipment, machinery or materials are brought on to the land for the purposes of the development. Protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the land. Unless agreed otherwise, within a retained tree protected area:

-Levels shall not be raised or lowered in relation to the existing ground level

-No roots shall be cut, trenches cut, or soil removed

Development Control Committee - 9 June 2011

-No buildings, roads, or other engineering operations shall be constructed or carried out

-No fires shall be lit; -No vehicles shall be driven or parked over the area;

-No materials or equipment shall be stored.

To secure the retention of the trees on site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan

- 6) Hard landscaping and surfacing shall be undertaken in accordance with drawing numbered FLA/GD/P/180/001/D as approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority, prior to first occupation of the dwelling hereby permitted.

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

- 7) The proposed window (serving 'Bedroom 3) on the first floor of the west facing elevation of the dwelling shall be obscure glazed at all times. No further windows, other than those shown on the approved plans, shall be inserted in the west facing elevation of the approved dwelling.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan

- 8) All works for underground drainage and services shall be carried out in accordance with the details submitted under SE/08/02437 unless agreed otherwise in writing by the local planning authority.

To safeguard trees on site, in accordance with policy EN1 of the Sevenoaks District Local Plan

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 4156-PD4-001, 002, 003, 004, 005 and 006

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

Informatives

This application relates to the amendment described above and does not infer consent for any other changes to the original permission SE/08/00930/FUL (or any later variations).

Item 5.02 - SE/11/00471/FUL Green Coppers, Wildernesse Avenue, Sevenoaks

The report advised that permission was now sought for a further amendment to the original planning permission (SE/08/00930/FUL), as later amended, being the

installation of two entrance dormer elements to the garage roof to the south and east elevations of the garage.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00471/FUL: That planning permission be GRANTED subject to the following conditions:

- 1) All doors and windows shall be constructed in accordance with the detailed drawings submitted under SE/08/02305, unless agreed otherwise in writing by the local planning authority.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

- 2) Soft landscape works shall be undertaken in accordance with the details approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan

- 3) The soft landscape works shall be carried out before the end of the first planting season following completion of the development or first occupation of the dwelling, whichever is sooner. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species

To safeguard the visual appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 5) Tree protection measures shall be undertaken in accordance with the details approved under SE/08/02434 unless agreed otherwise in writing by the local planning authority. The approved protection measures shall be in place before demolition commences and before any equipment, machinery or materials are brought on to the land for the purposes of the development. Protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the land. Unless agreed otherwise, within a retained tree protected area:

- Levels shall not be raised or lowered in relation to the existing ground level

- No roots shall be cut, trenches cut, or soil removed
- No buildings, roads, or other engineering operations shall be constructed or carried out
- No fires shall be lit;
- No vehicles shall be driven or parked over the area;
- No materials or equipment shall be stored.

To secure the retention of the trees on site and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan

- 6) Hard landscaping and surfacing shall be undertaken in accordance with drawing numbered FLA/GD/P/180/001/D as approved under SE/08/02411 unless agreed otherwise in writing by the local planning authority, prior to first occupation of the dwelling hereby permitted.

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

- 7) The proposed window (serving 'Bedroom 3) on the first floor of the west facing elevation of the dwelling shall be obscure glazed at all times. No further windows, other than those shown on the approved plans, shall be inserted in the west facing elevation of the approved dwelling.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan

- 8) All works for underground drainage and services shall be carried out in accordance with the details submitted under SE/08/02437 unless agreed otherwise in writing by the local planning authority.

To safeguard trees on site, in accordance with policy EN1 of the Sevenoaks District Local Plan

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 4156-PD2-001, 002, 003, 004, 005 and 006

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

Informatives

This application relates to the amendment described above and does not infer consent for any other changes to the original permission SE/08/00930/FUL (or any later variations).

Item 5.03 – SE/11/00370/FUL Fairlawn, Wildernesse Avenue, Sevenoaks

The report advised that permission was sought for: the replacement of the demolished “west wing” with a two-storey projecting wing with catslide roof and dormers creating a first floor; the erection of two rear-projecting single storey

extensions to the rear of the extended and existing part of the dwelling; the creation of an inverted dormer type balcony; the erection of a replacement porch to main entrance with pitched catslide style roof; and the erection of a detached pool house building to the rear of the site near to the western boundary.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00370/FUL: 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) 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 extensions and outbuildings 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 enhances the character and appearance of the conservation area as supported by Policy EN23 of the Sevenoaks District Local Plan.

- 3) Prior to the commencement of the swimming pool building hereby permitted, a method statement shall be supplied and approved in writing by the Council. This statement shall give detail of the method of construction of the swimming pool building having regard to the protection of surrounding and adjacent trees. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Council.

To safeguard the retention and long term health of trees in accordance with EN1 and EN23 of the Sevenoaks Local Plan.

- 4) No development shall be carried out on the land 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

- 5) All soft landscape works shall be carried out before the first occupation of the development hereby permitted. The landscape works shall be carried out in accordance with the approved details.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

- 6) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area as supported by EN1 and EN23 of the Sevenoaks District Local Plan.

- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: DS/140/01, 02A, 03A, 04A, 05B, 06, 07A, 08B, 09, 10B, 11B, 12B, 13B, 14, 15, 16, 17, 18A and 19

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

- 8) Prior to the commencement of the swimming pool building, details of acoustic insulation of the proposed plant room shall be provided to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter maintained as such.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

Item 5.04 – SE/11/00371/CAC Fairlawn, Wildernesse Avenue, Sevenoaks

The report advised that the application was for Conservation Area Consent for the demolition of the two-storey “west wing” of the dwelling, the gabled roof double garage adjacent to the western boundary and the adjoining rear projecting single-storey hipped roof swimming pool building adjacent to the western boundary. This proposal was made concurrent with application SE/11/00370/FUL.

It was MOVED by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00371/CAC: That planning permission be GRANTED subject to the following conditions:

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the redevelopment works has been made and planning permission has been granted for the redevelopment for which the contract provides.

To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity in accordance with Policies EN1 and EN23 of the Local Plan.

Item 5.10 – SE/10/03498/FUL 81 High Street and The Shambles, Sevenoaks

The report advised that application was for approval of change of use of both 81 High Street and an area of the Shambles to its rear to become a mixed use comprising both A1 (coffee shop) and A3 (café and outside seating area).

It was MOVED by the Chairman that the recommendation in the report be adopted subject to the inclusion of the additional condition set out in the Late Observations sheet.

Resolved: SE/10/03498/FUL: 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 use of the unit and land to the rear hereby permitted is for use as a coffee shop/cafe only and for no other purpose, including any purpose within Class A3 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) The use hereby permitted shall only occur between 7am and 6pm Monday to Friday, between 7am and 7pm Saturday and between 8am and 5pm Sundays and Bank Holidays.

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 4) Bins shall be provided for the use by customers whilst the outdoor seating area is in operation.

To safeguard the amenity of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 5) The tables, chairs and any associated equipment or paraphernalia associated with the operation of the outside café area shall be removed from the Shambles at the close of business each day.

To ensure that the development preserves the character and appearance of the area as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: SB/2010/1/site plan revised and 2/block plan revised.

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

Item 5.11 – SE/11/00102/FUL Land adj to 1 & 2 Shacklands Cottages, Shacklands Road, Shoreham, Sevenoaks

The report advised of the application which sought permission to replace a defective septic tank with a new treatment plant to serve no.s 1 & 2 Shacklands Cottages.

It was MOVED by the Chairman that the recommendation in the report be adopted subject to the inclusion of the additional informative set out in the Late Observations sheet.

Resolved: SE/11/00102/FUL: 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) Prior to the development commencing, the Arboricultural Officer is to be contacted to agree which trees are to be removed. After this, a detailed plan showing the trees to be felled shall be submitted and approved in writing to the local planning authority. The development shall take place in accordance with the approved details.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 3) No development shall be carried out until a scheme of soft landscaping, including type and size of species has been submitted to the Council for approval in writing. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of the development. The soft landscape works shall be carried out before the first dwelling is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To ensure that the proposal does not detract from the character and appearance of the area; as supported by Policy EN1 of the Sevenoaks District Local Plan and LO8 of the Core Strategy.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans PS001/4, ENTEX Biotec package sewage treatment plants, PS001/2, PS001/6.

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

- 6) No development shall commence until a works plan has been submitted and approved in writing by the Local Planning Authority. It should cover the following (although it may include other things): the timings of the works, methodology to minimise impacts on tree roots, location of the construction compound and details of the post development works restoration. The development shall be carried out in accordance with the approved details.

In the interest of protecting existing wildlife in accordance with PPS9

Informatives

Please be advised that the soakaway system does not allow effluent discharge directly into the groundwater. The plant must continue to be maintained in accordance with the manufacturer's instructions to function efficiently going forward.

Item 5.12 - SE/11/00765/FUL 66 London Road, Sevenoaks

The report advised that planning permission was sought for a change of use only of the ground floor of 66 London Road from A1 (retail) to A3 (restaurants and cafes) with no external alterations.

It was **MOVED** by the Chairman that the recommendation in the report be adopted.

Resolved: SE/11/00765/FUL: 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) Before the development / use hereby permitted commences, a suitable scheme for the mechanical ventilation of the kitchen area, including filtration to remove grease and cooking odours shall be submitted to and be approved in writing by the Local Planning Authority. The submission shall include a detailed and scaled plan of the scheme proposed, together with manufacturers' noise data on the fan unit and silencer(s) and details of maximum noise levels to emanate through the ducting and from the flue terminal (including details of background noise where necessary). The approved system shall be installed and operational before the premises are first brought into use and permanently maintained in full and effective

working order at all times. The system shall be used when cooking is being carried out.

To safeguard the visual amenity of the area and the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: SP1244/10 and 11.

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

8. **RESERVED PLANNING APPLICATIONS**

The Committee considered the following planning applications:

Item 5.05 – SE/11/00034/FUL 1 Charts Edge Cottage, Hosey Hill, Westerham

The report advised that the proposal was for a single storey side and rear extension to the semi detached property.

It was noted that the report had been referred to Committee because the recommendation was contrary to the view of the Parish Council and Councillor Bracken wished the Committee to consider the impact upon the existing dwelling and surrounding countryside.

Officers stated that the proposed scheme was considered to be acceptable in terms of its design and impact upon both the listed buildings and the surrounding area. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality. It would also lie sufficiently far from any neighbouring houses to protect their amenities.

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

The Committee was addressed by the following speakers:

Against the Application: Mr. Peter Waller
For the Application: Mr. Adam Penton
Parish Representative: Cllr. Phillip Ashley
Local Member: Cllr. Mrs. Bracken

During consideration of this item Members were reminded that the previous application had only been refused because of an error of calculating size. However, Members particularly raised concerns about the proposed oxidised copper cladding and its possible effect on the streetscene and landscape character of the area.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

1 vote in favour of the motion

14 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Walshe and duly seconded:

“That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 and C3 of the South East Plan, LO8 and SP1 of the Core strategy and EN1 and H6B of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

14 votes in favour of the motion

1 vote against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 and C3 of the South East Plan, LO8 and SP1 of the Core strategy and EN1 and H6B of the Sevenoaks District Local Plan.

Item 5.06 – SE/11/00035/LBCALT 1 Charts Edge Cottage, Hosey Hill, Westerham

The report advised that the application was for Listed Building Consent for a single storey side and rear extension to the semi detached property.

It was noted that the report had been referred to Committee had been referred to the Development Control Committee because the recommendation was contrary to the views of the Parish Council and Councillor Bracken wished the Committee to consider the impact upon the existing dwelling and surrounding countryside.

Officers stated that the proposed scheme would respect the context of the Listed Building. The design, bulk, mass and contemporary design were all considered to be acceptable within the context of the original dwelling enabling the maximum retention of original fabric and neither dominating nor detracting from the original dwelling.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Peter Waller
For the Application:	Mr. Adam Penton
Parish Representative:	Cllr. Phillip Ashley
Local Member:	Cllr. Mrs. Bracken

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

2 votes in favour of the motion

13 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Walshe and duly seconded:

“That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be harmful to the character and setting of the Listed Building contrary to policies BE6 of the South east plan, SP1 of the Core Strategy and EN1 of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

14 votes in favour of the motion

1 vote against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposed extension by virtue of its flat roof design and material finish would be detrimental to the landscape character of the Area of Outstanding Natural Beauty, detrimental to the streetscene and harmful to the character and setting of the Listed Building contrary to policies BE6 of the South east plan, SP1 of the Core Strategy and EN1 of the Sevenoaks District Local Plan.

Following a question from a Member an Officer clarified that the decision did not remove the planning history.

Item 5.07 – SE/10/03522/FUL Chelsham, Church Road, Hartley, Longfield

The Committee was advised that objections to this application from Ward Councillors had been withdrawn and the application would be dealt under the Scheme of Delegations to Officers.

Item 5.08 – SE/11/00774/FUL Hodsoll House, High Street, Farningham, Dartford

The report advised that the proposal was for demolition of an existing garage and its replacement with a single storey building comprising a single garage and a one bedroom self contained unit.

It was noted that the report had been referred to Committee because the recommendation was contrary to the Parish Council's recommendation and Councillor McGarvey wished the Committee to consider the issues surrounding the ancillary nature of the proposed dwelling and the impact of this relationship upon the surrounding area.

Officers stated that the structure of the existing garage was poor and its loss was accepted in principle. The proposed scheme would not have an unacceptable impact on the residential amenities of nearby dwellings. The design, bulk and mass of the proposed new building was considered acceptable both in terms of its impact upon the character and appearance of the surrounding conservation area and in terms of its impact upon the setting of the listed building, Hodsoll House.

A Local Member, who sat on the Committee, raised concerns that if granted the permission would allow buildings to be converted to separate dwellings. Officers reassured Members that they believed the recommended conditions were enforceable and that the applicant would have to reapply to the Council to make it into a separate dwelling. Following a question, Officers clarified that permitted development rights would not apply to the new structure.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

14 votes in favour of the motion

0 votes against the motion

Resolved: SE/11/00774/FUL: 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) 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 building 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 Conservation Area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall be carried out on the land 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);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation.

To protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

4) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the appearance and character of the surrounding Conservation Area in accordance with policy EN1 of the Sevenoaks District Local Plan.

5) The approved garage shall be provided prior to the first occupation of the building and shall be permanently retained for the parking of a motor vehicle.

To ensure a permanent retention of vehicle parking for the property.

6) No window(s) or other opening(s) shall be inserted at any time in the south elevation(s) of the garage or building hereby approved, despite the provisions of any Development Order.

To protect the privacy of the adjoining occupiers in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

7) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hodsoll House.

So that any other proposal for the use of the building is the subject of a separate application to be determined on its merits having regard to the character and appearance of the surrounding Conservation Area and the character and setting of the adjacent Listed Building.

8) The development hereby permitted shall be carried out in accordance with the following approved plans: HODSOLL-PL01, PL02

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

9) The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

To ensure that features of archaeological interest are properly examined and recorded.

Item 5.09 – SE/11/00775/LBCALT Hodsoll House, High Street, Farningham, Dartford

The report advised that the application sought listed building consent for demolition of an existing garage.

It was noted that the report had been referred to Committee because the recommendation was at variance with the Parish Council's views and Councillor McGarvey wished Committee to consider the issue of the ancillary nature of this new dwelling and the impact of this relationship with the existing house.

Officers stated that given the garage's structural status and the amount of work that would be required to repair the building to current standards in principle the loss of this building was agreed. It was considered that in view of the siting of the new building largely behind the line of the existing garage and its general design, bulk and scale that it would not harm the setting of Hodsoll House.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

15 votes in favour of the motion

0 votes against the motion

Resolved: SE/11/00775/LBCALT: That planning permission be GRANTED subject to the following conditions:

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

To maintain the integrity and character of the site as supported by policy EN1 and EN23 of the Sevenoaks District Local Plan.

3) No works shall take place until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the building as supported by policies EN1 and EN213 of the Sevenoaks District Local Plan.

4) No works shall take place until details of all rainwater goods proposed have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To maintain the integrity and character of the building as supported by policies EN1 and EN23 of the Sevenoaks District Local Plan.

Item 5.13 – SE/11/01024/TELNOT Proposed Telecommunications Mast North of Junction with London Road, Shurlock Avenue, Swanley

This item was withdrawn by the applicant.

Item 5.14 - SE/11/01076/TELNOT Land South of Service Station, London Road, Swanley

The report advised the proposal was for a 12.5m slim line pole to be positioned on the grass verge which separated the footpath from the Texaco garage. There was also to be a small equipment cabinet which would measure 1.8m by 0.8 m and be 1.5m high.

It was noted that the report had been referred to Committee by Councillor Ball as concerns had been raised about the siting and appearance of the mast..

Officers stated that they found that there was no planning objection to be raised on either ground. The siting was appropriate within the context of the site and the design was acceptable.

The Committee was addressed by the following speaker:

Local Member: Cllr. Fittock

Although objections from the Parish Council could not be included in the late observations, a Local Member, who was not on the Committee, assured Members that the public speaking had covered the objections raised. Various Members raised concerns at the effect the mast and box would have with cluttering the street.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Brookbank and duly seconded:

“That an objection be raised due to the impact of the siting on the streetscene adjacent to residential properties.”

The motion was put to the vote and there voted –

10 votes in favour of the motion

3 vote against the motion

Resolved: SE/11/01076/TELNOT: That an objection be raised due to the impact of the siting on the streetscene adjacent to residential properties.

At 8.57 p.m. the Chairman adjourned the Committee for a short time for the convenience of Members and Officers. The meeting resumed at 9.07 p.m.

9. **ENFORCEMENT OF PLANNING CONTROL: FOUR WINDS, FARLEY COMMON, WESTERHAM**

Members noted that planning permission had been refused and subsequently dismissed on appeal for the retention of a replacement dwelling including a basement double garage and a 2.5m high boundary wall at Four Winds, Farley Common, Westerham. It was noted that the matter was previously presented to Committee on 10 March 2011, when Members authorised the service of an Enforcement Notice. Following receipt of further advice, the measures seeking the

complete removal of the brick boundary wall were considered unreasonable, as the owner could erect a brick wall up to 2m in height without the benefit of planning permission.

The Committee considered the expediency of enforcement action to the basement garage and to require the reduction in height of the brick wall to a height not exceeding 2m in height.

Officers stated that they found that the basement garage/store, the associated access ramp and retaining walls and brick boundary represented inappropriate development harmful to the maintenance of the Green Belt and its openness. The works also adversely affected the visual amenities of the Green Belt and this part of the Area of Outstanding Natural Beauty.

Following questions, Officers reminded Members that although the only aspect of the enforcement application to change was the wall, Members still had to consider the matter in full.

A Member believed that the height of the wall would be little over 2m, if at all, on the side of the property, that enforcement would be disproportionate and that enforcement could cause significant damage to the property.

Officers explained that the options in the recommendation would provide Officers with flexibility over how enforcement took place.

Resolved: That authority is to serve an Enforcement Notice, subject to the Head of Legal and Democratic Services agreeing the wording of the terms of the Notice, requiring:

- (a) the reduction in the height of the brick boundary wall along the eastern boundary to a height not exceeding 2m above ground level.
- (b) the back filling of the basement garage structure with inert material and permanent closure of any internal access and permanent cessation of uses within the garage.
- (c) the breaking up and removal of the retaining walls adjacent to the access ramp to the garage and;
 - (i) The restoration of the original ground levels to the front north-eastern corner of the site, or;
 - (ii) The restoration of the original ground levels incorporating the approved parking layout under ref: SE/07/03532/FUL and SE/08/01003/DETAIL, or;
 - (iii) The implementation of 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.

For the following reasons:

1 The land lies within the Metropolitan Green Belt where strict policies of restraint apply. The developments comprising the retention of a 2.5m high wall

and basement garage with access ramps, add to the built form on the land to a degree that is harmful to the character and appearance of the area. This conflicts with PPG2 (Green Belts) and policy H13 of the Sevenoaks District Local Plan.

2 The land lies within an Area of Outstanding Natural Beauty. The developments comprising the boundary wall and basement garage with access ramps, detract from the character and appearance of that area. This conflicts with policy L08 of the Sevenoaks District Council's Core Strategy Development Plan Document.

Compliance period: Six months

THE MEETING WAS CONCLUDED AT 9.36 PM

CHAIRMAN