

## DEVELOPMENT CONTROL COMMITTEE

### Minutes of the meeting held on 23 August 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Dickins, Gaywood, Ms. Lowe, McGarvey, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Walshe

Apologies for absence were received from Cllrs. Davison and Underwood

Cllrs. Ayres, Eyre, Horwood and Mrs. Hunter were also present.

#### 58. Chairman's Announcements

The Chairman welcomed to the Committee Mr. Martin Rayner a Highways Engineer from Kent County Council, Ms. Claire Pamberi the new Sevenoaks District Council Development Control Manager and Mr. Leslie Roberts who was Sevenoaks District Council's new Legal Services Manager.

#### 59. Minutes

Resolved: That the minutes of the meetings of the Development Control Committee held on 26 July 2012 and 1 August 2012 be approved and signed by the Chairman as a correct record.

#### 60. Declarations of Interest or Predetermination

Cllr. Miss. Thornton notified the meeting that she had a disclosable pecuniary interest in item 4.2 - SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX. She left the meeting while the item was considered.

#### 61. Declarations of Lobbying

All members of the Committee declared that they had been lobbied in respect of item 4.1 - SE/12/01279/FUL - Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD.

Cllr. Mrs. Dawson further declared that she had been lobbied in respect of item 4.2 - SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX.

#### Reserved Planning Applications

The Committee considered the following planning applications:

62. SE/12/01279/FUL - Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD

Permission was sought for the demolition of the existing buildings on the site and the erection of a 1,918sqm (gross external floor area) food store building. The proposal also included the provision of 70 car parking spaces, cycle parking, landscaping and the repositioning of the site access.

Officers considered that subject to the receipt of an acceptably worded and completed S.106 undertaking to limit the retail offer on the site to a “deep discounter” type store (including a restriction on product lines and services provided) and to provide an air quality contribution, the proposal was acceptable.

Members’ attention was drawn to the tabled Late Observations sheet including further representations from Lidl, local residents, the Sevenoaks Society and the Sevenoaks Conservation Council.

The Committee was addressed by the following speakers:

Against the Application:	Brian Peacock
For the Application:	Jason Gratton
Parish Representative:	-
Local Member:	Cllr. Mrs. Hunter

In response to a question the Officer from Kent Highways confirmed that peak traffic flows had been considered for the morning and afternoon rush hours and the weekend rather than events linked specifically to Lidl stores. The junction improvement scheme at the site was to improve access manoeuvrability rather than capacity. Early on Highways Officers had considered possible access from Morewood Close but had been informed the applicants had no control over the relevant land.

Some Members were concerned that the projected increase of traffic flow, particularly at the morning peak time, had been underestimated. The Kent Highways Officer clarified that the figure discounted some traffic where the customers were already expected to travel past the site.

A Member enquired whether deliveries could be limited to one per day with an increase to two in December to cope with peak demand at Christmas. Officers confirmed this could be considered by Officers under the amended condition 18 management plan. The representative of Lidl accepted that this would be viable.

It was MOVED by the Vice-Chairman and was duly seconded that the two recommendations in the report, as amended by the Late Observations Sheet, be adopted.

The Committee noted the considerable public support for the application and agreed that a deep discount store would fill a niche market in Sevenoaks.

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Some Members were concerned by the impact the shop would have smaller corner-shops in the area. They also noted the concerns of the Local Ward Member that the shop could exacerbate an existing traffic problem.

A Member proposed an amendment to condition 5 that the opening hours be 09:00 to 21:00 Monday to Friday. This was duly seconded. Following debate this amendment was put to the vote and there voted –

4 votes in favour of the amendment

12 votes against the amendment

The original motion, as amended by the Late Observations sheet, was put to the vote and there voted –

15 votes in favour of the motion

1 votes against the motion

Resolved: That

a) subject to the receipt of an acceptable completed S.106 undertaking before 13<sup>th</sup> September 2012 to limit the type of retail use on the site to a 'deep discounter' type store and to provide an acceptable contribution towards air quality measures, 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 details and 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 surroundings as supported by Policy EN1 of the Sevenoaks District Local Plan.

3. No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area in accordance with EN1 and EN31 of the Sevenoaks Local Plan.

4. Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include

product details and noise specifications where appropriate and scaled drawings to the show appearance and position of the plant on the site.

In the interests of visual and residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

5. The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays. Deliveries shall not be taken in or dispatched from the site outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 17:00 Sundays and Bank Holidays.

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

6. The net sales area within the development hereby approved shall be no more than 1,286sqm and of this no more than 322sqm shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

7. Boundary treatments shall be provided in accordance with approved drawing 11063-LO1.02 prior to the first use or occupation of the building hereby permitted and shall thereafter be maintained as such.

In the interests of visual amenity in accordance with EN1 of the Sevenoaks Local Plan.

8. Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9. The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10. No part of the development shall be occupied until vehicle parking and turning space has been provided in accordance with the approved drawing

11063-L01.02. The space approved shall be retained for parking and turning in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with EN1 of the Sevenoaks Local Plan.

11. No part of the development shall be occupied until secure cycle parking facilities for both staff and customers have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy

12. Throughout the course of construction of the development, tree protection measures shall be carried out in complete accordance with the recommendations of the 'Arbtech Consulting Ltd' Arboricultural Development Report dated 9th May 2012 and accompanying Tree Protection Plan ATC-TPP 02 Rev A.

To ensure the long term retention of trees in accordance with EN1 of the Sevenoaks Local Plan.

13. No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.
- planting plans (identifying existing planting, plants and trees to be retained and new planting).

Notwithstanding the details shown on drawing no.1093, the proposed planting plans shall show native tree planting to the boundary of the site with London Road:

- a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and
- a programme of implementation.

Soft and hard landscaping shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. 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 in accordance with EN1 of the Local Plan.

14. No groundworks, other than the demolition of the existing buildings, shall be commenced until:

- a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and
- b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority.  
The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:
- c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

15. Works to trees and / or hedgerows shall only be undertaken outside of the bird breeding season (between September and February inclusive) and at no other time unless supervised by an appropriately qualified ecologist. If any nesting birds are found, work must cease until after the juveniles have fledged.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

16. The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

- i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority; and
- ii) Prior to the occupation of the development, that the development has achieved BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

17. Prior to the commencement of the development full details of surface water drainage including, where practical, the use of Sustainable Urban Drainage Systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

In the interests of sustainability in accordance with SP2 of the Core Strategy.

18. Prior to the commencement of the development, a scheme for the management of deliveries and for the management of car parking spaces to ensure that the use of the spaces is reserved for customers and staff of the unit hereby permitted only shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure the impact of deliveries is minimised and to ensure adequate parking for the proposed use and to prevent spill-over parking harmful to highways safety and convenience in accordance with EN1 of the Local Plan.

19. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The site is within an area of archaeological potential. A programme of work is required to mitigate the impact of development and ensure preservation "by record" of any surviving remains in accordance with EN25A of the Local Plan.

20. No display or storage of goods, materials, plant or equipment shall take place other than within the building.

In the interests of the visual amenities of the area in accordance with EN1 of the Local Plan.

21. Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

22. No development shall take place on the site until the proposed junction improvement and access works shown on approved drawing 3768.001 Rev.D (or

an alternative submitted to and approved in writing by the Local Planning Authority) have been secured through appropriate agreement with the Highways Authority. The agreed highways improvements and access shall be fully carried out in accordance with the agreed details prior to the first use of the building hereby approved.

In the interests of highways safety and convenience in accordance with EN1 and T10 of the Local Plan

23. The development shall be carried out in accordance with the following approved plans: 11063-L01.01 Rev A, 11063-L01.02, 11063 L02.01, 11063 L02.02, 11063-L04.01, 3768.001 Rev D, ATC-AIA 02 Rev A, ATC-TPP 02 Rev A and 1093

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

#### Informatives

1. You are advised to contact the County Highways Officer for advice on the content of an appropriate 'measures based' travel plan (Condition 21).
2. You are advised to contact the Council's Environmental Health Officer for advice on the appropriate position and type of external plant to be installed. Consideration should be given to the installation of necessary plant on the north-west facing elevation (Condition 4).

b) in the event that an acceptably worded and completed S.106 undertaking is not provided before 13<sup>th</sup> September 2012, planning permission be REFUSED for the following reason:

In the absence of information to the contrary, the unrestricted A1 (retail) use of the site would likely result in unacceptable traffic generation to and from the site, resulting in insufficient parking provision on the site detrimental to traffic conditions on the surrounding road network and an adverse and unmitigated impact upon air quality. To permit the development would therefore be contrary to policy EN1 of the Sevenoaks Local Plan, SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

63. SE/11/03327/FUL - Land Adjacent To Woodseaves, 5 Knole Paddock, Seal Hollow Road, Sevenoaks TN13 3RX

The proposal sought permission to erect a dwelling on land at the rear of No. 5 Knole Paddock. The dwelling would be a 5 bed property, arranged over 2 storeys and T-shaped in footprint. The scheme included an integral garage and space for parking two vehicles to the front of the garage. A new access would be constructed in a relatively central position on the site.

Officers considered that the proposed dwelling, due to its position and scale in relation to the boundary with the drive, would be unduly prominent and detrimental to the informal, verdant and spacious character of the drive. In the absence of a completed S106



agreement, the development would also not secure an appropriate off site contribution towards affordable housing.

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:	-
For the Application:	Peter Hadley
Parish Representative:	-
Local Member:	-

In response to a question Officers confirmed they did not believe overlooking was a reasonable objection to the application.

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

Some Members noted that that although higher than Birchwood, the application site was significantly lower than Falcon House and was lower than the land across the road. They also considered that the proposed dwelling would not have a greater visual impact than existing dwellings on the road.

Other Members considered that the proposal was not significantly different from the previous site application, which had been refused.

The motion was put to the vote and there voted –

6 votes in favour of the motion

8 votes against the motion

It was moved by the Chairman and duly seconded that:

“a) subject to the receipt of an acceptable completed S.106 Undertaking before 23 September 2012 to provide an acceptable financial contribution towards affordable housing, permission should be GRANTED subject to conditions to be agreed by Officers in consultation with Local Members. Conditions should include retention of boundary treatment as part of the landscaping.

b) if an acceptable S106 Undertaking is not received by 23 September 2012 permission be REFUSED as the development would fail to provide an off-site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.”

The motion was put to the vote and there voted –

9 votes in favour of the motion

5 votes against the motion

Resolved: That

a) subject to the receipt of an acceptable completed S.106 Undertaking before 23 September 2012 to provide an acceptable financial contribution towards affordable housing, permission should be GRANTED subject to conditions to be agreed by Officers in consultation with Local Members. Conditions should include retention of boundary treatment as part of the landscaping.

b) if an acceptable S106 Undertaking is not received by 23 September 2012 permission be REFUSED as the development would fail to provide an off-site contribution towards affordable housing and would be contrary to Policy SP3 of the Sevenoaks Core Strategy.

64. SE/12/01107/HOUSE - Ringsdown , Crockenhill Lane, Eynsford Dartford DA4 0JL

The proposal was for permission to demolish an existing 1950s style asbestos flat roof precast concrete garage and erect a steel structure garage.

Officers considered that due to the sheet cladding the design and visual appearance the proposed garage would have an adverse impact on the character and appearance of the area and street scene would be unacceptable as the site was in the Green Belt and an Area of Outstanding Natural Beauty.

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. Horwood

Cllr. Horwood also read out a statement on behalf of the applicant who was unable to attend the meeting.

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

Some Members felt that the proposal was a significant improvement on the existing structure, especially as the current structure was falling down and contained asbestos. Some Members noted the comments of the Local Member that the proposed garage was unlikely to be seen by those who passed the site. The Parish Council and local residents had not objected to the proposals.

In response to a question Officers confirmed that there was a duty to use high quality materials given the site of the application. Councillors commented that if the design was poor then it did not matter that the site was unlikely to be seen. One Member suggested that the proposal seemed more suited for agricultural or industrial use.

The motion was put to the vote and there voted –

10 votes in favour of the motion

7 votes against the motion

Resolved: That the application be delegated to the Group Planning Manager for refusal as per the report and amended plans received.

65. SE/12/00345/HOUSE - 10 Woodside Road, Sundridge TN14 6DW

The proposal was for the installation of an external insulation system. The proposed development would place insulation board over the wooden cladding with a sand/cement render finish which would increase the width of the wall by 100mm. The site was one of eight semi-detached dwellings of a similar design, it was in the urban confines of Sundridge and in an Area of Outstanding Natural Beauty.

Officers considered that the proposal would have a minimal impact upon the Area of Outstanding Natural Beauty and as viewed from within the street the impact of the rendering would have a minimal impact upon the design of the dwelling and would not impact detrimentally upon the street scene. The proposal would not harm the amenities of the locality and would not impact upon the Area of Archaeological Potential.

The Committee was addressed by the following speakers:

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

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

The Local Member who sat on the Committee believed the dwelling to be part of a cohesive group of artisan dwellings and that the proposals would be out of keeping. He felt the Council should, in accordance with the NPPF, value of the design of the built environment and respond to local character and history.

Other Members of the Committee noted the concerns of the Local Member and the parish councillor but felt there were inadequate planning reasons for refusal taking into account that the buildings were not in a conservation area.

The motion was put to the vote and there voted –

13 votes in favour of the motion

3 votes against the motion

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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 development hereby permitted shall be carried out in accordance with the following approved plans: 04A, 05A, 06A

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

3) No works shall be carried out on the land until samples of the smooth render to be applied to the exterior of the external insulation system and its colour has been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials, finish and colour.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

THE MEETING WAS CONCLUDED AT 9.41 PM

CHAIRMAN