

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 17 January 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

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

Apologies for absence were received from Cllrs. Brown and Davison

Cllrs. Ayres, Bosley, Mrs. Cook and Edwards-Winsor were also present.

### 103. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 13 December 2012 be approved and signed by the Chairman as a correct record.

### 104. Declarations of Interest or Predetermination

For openness, Cllrs. Mrs. Ayres, Bosley and Dawson stated in respect of item 4.3 SE/12/02540/FUL Land Rear of the Rising Sun, Fawkham Green, Fawkham, Longfield that they were occasional users of the Rising Sun pub.

Cllr. McGarvey stated in respect of item 4.1 SE/12/03106/FUL Land West of 5 Mill Lane, Shoreham that he had acted as a temporary Clerk to Shoreham Parish Council during the Summer of 2012.

Cllr. Mrs. Parkin stated that she knew of the applicant for item 4.3 SE/12/02540/FUL Land Rear of the Rising Sun, Fawkham Green, Fawkham, Longfield.

Cllr. Miss. Thornton declared a Disclosable Pecuniary Interest in item 5.1 Objection to TPO/17/2012 - 48 Brattle Wood, Sevenoaks as she had carried out some work for neighbours of the property. She withdrew from the meeting while the item was considered.

Cllr. Williamson stated that the applicant for item 4.2 SE/11/02722/CONVAR Sevenoaks Boxing Club, Unit 19, Gaza Trading Estate, Scabharbour Road, Hildenborough was a customer of his shop.

### 105. Declarations of Lobbying

Cllr. Ms. Lowe declared that she had been lobbied in respect of item 4.1 SE/12/03106/FUL Land West of 5 Mill Lane, Shoreham.

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### Order of the Agenda

The Chairman indicated that, with the approval of Members, she would deal first with the tree preservation order at item 5.1 as the Officer concerned was not involved in any other matters on the agenda.

### Tree Preservation Orders

#### 106. Objection to TPO/17/2012 - 48 Brattle Wood, Sevenoaks

The Committee was informed that the Order related to an Oak tree situated in the rear garden of 48 Brattle Wood, Sevenoaks. A Tree Preservation Order had been served following a planning application which would have levelled the garden and impacted the tree by putting soil around it.

The Arboricultural and Landscape Officer considered that, although situated in a rear garden, the tree was prominent and could be seen from the front of the property, from neighbouring gardens and the highway. Its loss would have a negative impact on the amenity of the local area.

Objections had been raised concerning the tree's size, growth, leaves and pruning. The Officer reminded the Committee that a TPO did not prevent pruning but protected the tree from unreasonable pruning.

Resolved: That the Tree Preservation Order No. 17 of 2012 be confirmed without amendments.

### Reserved Planning Applications

The Committee considered the following applications:

#### 107. SE/12/03106/FUL - Land West of 5 Mill Lane, Shoreham TN14 7TS

The proposal was for the erection of 4 houses (1 semi-detached pair and 2 detached) and the provision of 8 car parking spaces. The proposal was to be set back from Mill Lane with the proposed dwellings sited behind the rear building line of the existing houses and with a courtyard arrangement containing the parking provision to the front.

The site was bounded by residential dwellings with the listed Mill Lane Cottages to the north east and Oxbourne Cottages to the north west. It lay within the Shoreham Mill Lane Conservation Area, an Area of Outstanding Natural Beauty and was adjacent to the Metropolitan Green Belt.

The Case Officer explained the site history, including the 3 planning appeals. Officers considered that together the history had set defined parameters for development on the site. Since the last appeal decision the design of the proposal had been simplified, including flat roofed dormers, and the height line had been reduced from 9.6m to 7.3m.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

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The Committee was addressed by the following speakers:

|                          |                      |
|--------------------------|----------------------|
| Against the Application: | Marina Barnett       |
| For the Application:     | -                    |
| Parish Representative:   | Cllr. Richard Inness |
| Local Member:            | Cllr. Edwards-Winser |

Following concerns raised by Members, the Kent County Council Highways Engineer explained that at the first appeal KCC had raised an objection concerning access to the site. A demonstration was made at appeal that vehicles could turn around on site, though it was tight. Officers had also pointed out that the narrow access prevented vehicles going in both directions at the same time and raised concerns over sight lines. That appeal had related to a more intensive use of the site but the Inspector had decided access was not a problem. Emergency vehicles could access the site.

Officers considered that the reasons for refusal at previous appeals had been satisfied. At previous appeals Inspectors had set that at upper floor levels a distance of 16m was acceptable to the properties to the rear whereas 14.4m was acceptable at ground level. There were no openings beyond these lines in the present application.

It was MOVED by the Chairman and was duly seconded that, also subject to the satisfactory completion of the section 106 obligation for an off-site affordable housing contribution, the recommendation in the report to grant permission subject to conditions as amended by the Late Observations Sheet be adopted.

An alteration to the motion was proposed and duly agreed that two additional conditions be added. One would be for a plan for refuse collection to be approved and the other to remove Permitted Development rights for extensions. It was further agreed that, if approved, Officers reconsider the enforceability of wording for condition 15.

Some Members felt that previous appeal decisions allowed the Committee little leeway but to accept the proposals. Harm would be caused to neighbouring amenity but an Inspector would not consider it unacceptable. Architectural design in the surrounding area was varied. It was suggested that housing of this type was needed in the village.

Significant concern was raised about parking within the site as double spaces were impractical there and turning was mostly feasible only in small vehicles. Members did not want further parking on the High Street which was a risk with the existing proposal and there was also a likelihood vehicles would need to reverse onto the High Street. The Group Manager Planning advised Members that in view of the previous appeal decisions he thought it very unlikely that a refusal on parking and access grounds would be supported on appeal.

It was noted that the present design proposals had not been submitted at a previous appeal and some believed the design to be undesirable. The proposed design would not sufficiently preserve or enhance the Conservation Area and AONB as required by policies EN1 and EN23 of the Sevenoaks District Local Plan.

The motion was put to the vote and there voted –

7 votes in favour of the motion

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9 votes against the motion

The Chairman declared the motion to be LOST.

It was MOVED and was duly seconded:

“That planning permission be REFUSED for the following reasons:-

1. The scheme fails to preserve or enhance the character or appearance of the conservation area, or the special character of the AONB contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and LO8 and SP1 of the Core Strategy.
2. The scheme fails to provide adequate access and parking arrangements contrary to policy EN1 of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

9 votes in favour of the motion

7 votes against the motion

Resolved: That planning permission be REFUSED for the following reasons:-

1. The scheme fails to preserve or enhance the character or appearance of the conservation area, or the special character of the AONB contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and LO8 and SP1 of the Core Strategy.
2. The scheme fails to provide adequate access and parking arrangements contrary to policy EN1 of the Sevenoaks District Local Plan.

108. SE/11/02722/CONVAR - Sevenoaks Boxing Club, Unit 19, Gaza Trading Estate, Scabharbour Road, Hildenborough

The proposal was a retrospective application under section 73A of the Town and Country Planning Act for permission to use an existing building with the variation of 3 conditions attached to the planning permission granted in 2005. It was proposed that the use be extended to allow boxercise classes rather than only the training of individuals, that opening hours for this use be extended but the office hours remain the same and thirdly that amplified music be permitted.

The application site was a detached wooden clad building within a trading estate which had no planning restrictions on its opening hours. It was within the Green Belt and an AONB.

The report advised that on balance the proposals would not have a detrimental impact upon the amenities of the occupants of neighbouring properties, nor have a detrimental impact upon highway safety or the visual amenity of the street scene and wider AONB and would not detract from the openness of the Green Belt.

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Members' attention was drawn to the tabled Late Observations sheet. 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: | Jan Trask and Nigel West |
| For the Application:     | James Amos               |
| Parish Representative:   | Cllr. Beverly Doherty    |
| Local Member:            | Cllr. Mrs. Cook          |

The Chairman announced it was exceptional and contrary to usual standing orders but on this occasion two speakers against the application were being allowed to share the time between them.

Officers confirmed that previously approved noise mitigation measures had now been completed. In their comments Environmental Health Officers had proposed conditions with regard to noise but had not objected.

In light of comments made by speakers against the application, Officers confirmed that the Council had received correspondence in 2009 with concerns about noise created at the site. However the complainant had requested their details be kept confidential and without disclosing the identity of the complainant it was not possible to pursue the matter.

A Member asked for Officers to explain the scope of this section 73A application and whether it was just a request for a variation of a condition. The Legal Services Manager explained section 73A applications were retrospective and applicants would usually already be doing what they sought permission for. In the determination of such an application all material planning circumstances were relevant when considering the application. The Officer asked whether this had clarified the position and the Member confirmed that it had.

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

The Committee raised concerns at the effectiveness of previous enforcement at the site.

Members discussed the levels of background noise at the site. Some felt the Sunday opening hours could be inappropriate while the Chairman had visited other sites on the estate at the weekend and found them operating.

Members noted that there was little ventilation in the building and this could cause discomfort in Summer months. An alteration to the motion was agreed that the use for classes be limited to inside the building.

A Member suggested that schemes to limit noise from amplified music from the site could include an automatic cut-out mechanism if the volume rises too high.

The motion was put to the vote and there voted –

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8 votes in favour of the motion

6 votes against the motion

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) The following details previously approved under application 11/002874/DETAIL shall be maintained and retained hereafter: Windows: The glazing on the side facing south will be constructed as double glazed units with one pane of glass being at least 4 mm in thickness and the other being at least 6mm thick with an air gap of no less than 16 mm. Whilst the air gap can be air or Argon if the gap is filled with Krypton a further 5 dB reduction can be achieved. These windows will be fabricated so that they cannot be opened. For those windows facing north or west, conventional thermal double glazing will be used.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

2) The following details previously approved under application 11/002874/DETAIL shall be maintained and retained hereafter: Doors: The double doors on the rear elevation will be covered with a 20 mm thick block board or MDF that can be held tightly in place whilst the hall is being used but that can be removed when the doors are required. All other doors and windows should remain closed when the building is in use to prevent noise escape.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

3) No amplified music shall be played until details of a suitable noise level has been submitted to and approved in writing by the Council. The approved scheme shall be implemented thereafter.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

4) Notwithstanding the provisions of any development order, any external equipment (e.g. air conditioning units) will require planning permission before installation which will allow consideration of the noise implications.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan.

5) The use of the building hereby permitted for the training of individuals partaking in physical training shall only occur from 08.30 to 21.30 hours on weekdays and Saturdays, and from 10.00 to 12.00 hours on Sunday, and the use of the building as an office shall only occur from 0800 to 1730 hours on weekdays and Saturday. The building shall not be used at any other times, including public holidays.

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To safeguard the living conditions of neighbouring residential properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The building shall only be used for office use (Use Class B1) and for the training of individuals for boxing or boxing related exercise classes (boxercise). The building shall not be used for any other Business (Use Class B1) or Assembly and Leisure Use (Use Class D2).

To safeguard the living conditions of neighbouring residential properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) No change in the use of the building other than as specified in condition 6 above is permitted.

To safeguard the living conditions of neighbouring properties, as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) The details of the access ramp approved under 11/02905/DETAIL shall be maintained and retained hereafter.

To prevent inappropriate development in the Green Belt as supported by GB2 of the Sevenoaks District Local Plan

9) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan dated 24th Oct 2011

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

10) There shall be no training of individuals for boxing and boxing related exercise classes outside unit 19.

To preserve the residential amenity of the neighbouring dwellings, in accordance with Policy EN1 of the Local Plan

### Chairman's Announcements

The Chairman confirmed there would be a series of training events for Members of the Committee in the coming months. Beginning in February training sessions lasting thirty minutes would be held at 6pm on alternate months. A list of topics would be circulated to Members and further suggestions would be welcomed. Topics may be varied so as not to conflict with items on the agenda.

### 109. SE/12/02540/FUL - Land rear of the Rising Sun, Fawkham Green, Fawkham Longfield DA3 8NL

The proposal was for the change of use of the land from open land and paddock to an overspill car park. The development would include laying out 8 parking spaces, the erection of fencing and a gate and the construction of a new access from the existing pub car park. The car park area would comprise a polyethylene mesh to allow grass to grow up through it.

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The land was sited to the north of the Rising Sun public house within Fawkham on the side of a valley. It was in the Metropolitan Green Belt and an area of archaeological potential.

The report advised the proposal would represent inappropriate development harming the openness and character of the Green Belt. No very special circumstances had been provided to clearly outweigh the harm caused.

Members' attention was drawn to the tabled Late Observations sheet. 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: | Tracey Malloy       |
| For the Application:     | Graham Simpkin      |
| Parish Representative:   | Cllr. Lawrence Moss |
| Local Member:            | Cllr. Bosley        |

In response to a question, the applicant's agent confirmed they had no further information about any other businesses carried out at the public house which could take up parking spaces.

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

The local Member who sat on the Committee explained that the application had been referred to Committee to reflect on both sides of the argument. The consultation held by the Parish Council was overwhelmingly in support and she felt there was a need to support businesses. However she had sympathy with those residents potentially affected by the proposal. The applicant was commended for consulting locally and trying to meet their concerns.

The Committee noted the comments of the other Local Member who spoke and that it was important to preserve the Green Belt. It was not felt the threshold for very special circumstances had been met.

They also noted the comments in the report that the proposal would not be appropriate for a temporary permission.

The motion was put to the vote and there voted –

11 votes in favour of the motion

3 votes against the motion

Resolved: That planning permission be **REFUSED** for the following reasons:-

The proposed development would be inappropriate development in the Green Belt and would be harmful to its openness. It would change the character of the Green Belt being clearly visible from within the village and accordingly would have a



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detrimental impact leading to the encroachment upon the countryside. This conflicts with the National Planning Policy Framework.

The proposed development would fail to conserve the countryside and would harm the distinctive character of the landscape. This conflicts with Policy L08 of Sevenoaks District Councils Core Strategy.

THE MEETING WAS CONCLUDED AT 10.05 PM

CHAIRMAN

