

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 14 February 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

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

Apologies for absence were received from Cllrs. Cooke, Scholey and  
Underwood

Cllrs. Ayres, Mrs. Davison, Fleming and Mrs. Purves were also present.

### 110. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 January 2013 be approved and signed by the Chairman as a correct record.

### 111. Declarations of Interest or Predetermination

Cllr. McGarvey clarified that he had been in discussions with the applicants and with Officers concerning item 4.3 SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP during most of 2012.

### 112. Declarations of Lobbying

All Councillors except Cllr. Brookbank declared that they had been lobbied in respect of item 4.1 SE/12/02797/FUL - Land To Rear of 7 Serpentine Road, Sevenoaks TN13 3XR.

All Councillors except Cllrs. Brookbank, Brown, Mrs. Parkin, Walshe and Williamson declared that they had been lobbied in respect of item 4.2 SE/12/01819/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY.

Cllr. McGarvey declared that he had been lobbied in respect of item 4.3 SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP.

### 113. SE/12/03108/FUL - Asda Stores Ltd, London Road, Swanley BR8 7UN

Members were informed that this item had been withdrawn from the agenda.

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### Unreserved Planning Applications

There were no public speakers against the following item and it was not reserved for discussion. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

#### 114. SE/12/02566/FUL - Fingz , 143C High Street, Sevenoaks TN13 1UX

The proposal was for alterations to the shared access to the flats above no.143c High Street to create a separate dedicated access for the flats. The development consists of the creation of a doorway on the Pembroke Road (north) elevation, the creation of a corridor through part of the existing stock and staff area of the shop with a new external staircase to the rear with trellis screening. A new door would be formed to the rear (south) elevation.

The site was within the Town Centre area of Sevenoaks, but not within the Sevenoaks High Street Conservation Area. The building was not listed. The building was not included as part of the Primary Frontage (either road frontage).

Officers considered that the development would respect the context of the site and would not have an unacceptable impact on the street scene. The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

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: 12-20-02

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

### Reserved Planning Applications

The Committee considered the following applications:

#### 115. SE/12/02797/FUL - Land To Rear of 7 Serpentine Road, Sevenoaks TN13 3XR

The proposal was for a new dwelling and two parking spaces including demolition of the existing detached garage. It was similar to application SE/11/02670/FUL which had been refused on appeal though some amendments had been made. The height had been reduced by 1.2m, it proposed two bedrooms not three, the garden layout had been changed and the on site parking for No.7 Serpentine Road had been removed. The building line would be 1m back from the existing garage but the development would be 2.5m higher than the existing garage. The site was within the built urban confines of Sevenoaks.

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Officers considered that the distance to No.9 Serpentine Road was the main reason for refusal at appeal but this was now at 12m. Any potentially significant impacts on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed. Development would respect the context of the site and would not have an unacceptable impact on the street scene.

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:	Mr. Fraser-Urquhart
For the Application:	Mr Hadley
Parish Representative:	Cllr. Mrs. Walshe
Local Member:	Cllr. Mrs. Purves

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

The local Member on the Committee noted the concerns of the public speakers including that there was still undue overbearing proximity to No.9 Serpentine Road and the impact on No.7 was likely to be equal, if not greater. The dwelling was considerably higher than the existing garage. The garden would be put to a more intensive use and this would have a detrimental effect on neighbouring amenity as well. It was unlikely a two-storey dwelling could fit onto the site.

Members emphasised that, despite the reduction, it had not been shown the Inspector's concerns at appeal had been addressed. The site was at a noticeably higher level than No.7 and 9 and the proposal would have an overbearing effect on them. It was also noted that the dwelling would be very close to No.61 Bayham Road. The plot was considered too small.

Although concern was raised about reversing onto the road it was noted that this was no different to the existing position. However, as there was no longer parking for No.7 then cars would be displaced onto busy roads.

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 MOVED by Cllr. Clark and was duly seconded:

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

The proposed dwelling would significantly harm the residential amenity of the occupiers at Numbers 7 and 9 Serpentine Road by reason of its overbearing proximity leading to a loss of light and outlook to these properties. The dwelling

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would also bring a more intensive domestic activity into the existing garden area to the rear of the garage to the detriment of the residential area of Numbers 7 and 9 Serpentine Road. The proposal is therefore not in accordance with Policy EN1 of the Sevenoaks District Local Plan.”

The motion was put to the vote and there voted –

13 votes in favour of the motion

2 votes against the motion

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

The proposed dwelling would significantly harm the residential amenity of the occupiers at Numbers 7 and 9 Serpentine Road by reason of its overbearing proximity leading to a loss of light and outlook to these properties. The dwelling would also bring a more intensive domestic activity into the existing garden area to the rear of the garage to the detriment of the residential area of Numbers 7 and 9 Serpentine Road. The proposal is therefore not in accordance with Policy EN1 of the Sevenoaks District Local Plan.

### 116. SE/12/01819/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY

The Chairman announced that she would not act as Chairman for the present item as she has referred the matter to the Committee. With the agreement of the meeting she called the Vice-Chairman, Cllr. Williamson, to chair the item.

(Cllr. Williamson in the Chair)

The proposal was for outline permission, with all matters reserved, for the demolition of a public house and construction of a three storey residential building (with accommodation in the roof space) comprising of 13 one bed and 1 two bed flats. There would be no provision for on-site for parking.

Officers clarified that the triangular land to the rear, bordering No.1 St. James's Road, was not part of the application as it was not under the ownership of the applicants.

Officers advised that the proposal would, by virtue of its scale, height and massing have a detrimental impact upon the character and appearance of the street scene and also have an overlooking impact detrimental to the privacy of the occupiers of residential properties at the rear (Nos.1, 3 and 5 St James's Road) and 54-64 Golding Road. No legal agreement had been finalised for the provision of on-site affordable housing units.

The Committee was addressed by the following speakers:

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

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In response to a question Officers confirmed that any amenity land on site would be limited but there was limited information at this stage as the proposal was an outline application.

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

The local Member on the Committee agreed with the concerns of the other ward representative. The lack of on-site car parking would have a detrimental impact on the neighbouring area as surrounding roads were already overcrowded, with little on-site parking for residents. Public car parks were also very busy. She felt planning policy did not adequately deal with parking requirements as public transport was limited; there was no evening bus service and there were suggestions that rail services from Bat & Ball Station could be reduced.

Several Members supported these comments. It was added that St. John's Hill road had already become dangerous at the traffic island.

An alteration to the motion was agreed that the insufficient provision of on-site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has a high level of on street parking. Members confirmed that this would be harmful to residents of the surrounding area.

Another Member stated that the four storey nature of the development was a problem. It would be out of keeping with the area.

Support was given to the provision of smaller units and possible affordable housing within Sevenoaks.

The motion was put to the vote and it was unanimously –

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

The proposed development, by virtue of its scale, would have a detrimental impact upon the character and appearance of the street scene, as it would dominate the vicinity and not be in harmony with the adjoining buildings. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The proposal development would, by virtue of its height, scale and position of windows, have an overlooking impact that would be detrimental to the privacy of the occupiers of residential properties at the rear (Nos. 1, 3 and 5 St James's Road) and 54-64 Golding Road. The proposal is therefore contrary to the provisions of Policy EN1 of the Local Plan and SP1 of the Core Strategy.

The insufficient provision of on-site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has a high level of on street parking. This would be detrimental to the amenity of local residents in the surrounding area as it would reduce the availability of parking for them and would lead to harm to the safety of existing road users due to areas

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being over-parked. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Local Plan July 2008.

The applicant has failed to finalise a legal agreement providing the adequate number of on site affordable units with no provision of affordable units. The proposal is not in accordance with the Policy SP3 of the Core Strategy.

(Cllr. Mrs. Dawson in the Chair)

At 8.28 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 8.34 p.m.

### 117. SE/11/01874/FUL - The Red Barn, Stack Road, Horton Kirby, Dartford DA4 9DP

The proposal was for the conversion of an existing barn to residential use, with the demolition of some associated structures.

On 19 January 2012 the Development Control Committee resolved to grant planning consent for the conversion of Red Barn for residential purposes. That resolution was subject to appropriate provision for an affordable housing contribution in accordance with Core Strategy Policy SP3 and the Supplementary Planning Document relating to Affordable Housing within six months. The six month limit had elapsed and so the application had been referred back to the Committee. The Committee had already agreed to the development in principle.

Members' attention was drawn to the tabled Late Observations sheet. Since the agenda had been published the applicant had offered an Affordable Housing contribution of £10,000, payable on commencement of development, together with a draft legal agreement. This was not equal to the full contribution as assessed by the Council's viability assessment of £35,647.

Members were invited to consider the particular circumstances of the case as to whether flexibility in the contribution was appropriate. These factors included that the developer was a private individual, which was not specifically covered in the SPD; that the proposal included greater sustainability features than required; and that the nature of a barn conversion could increase the applicant's building and conversion costs.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. Ward
Parish Representative:	-
Local Member:	-

Officers explained that more than half of planning applications which were expected to provide an Affordable Housing contribution paid the full assessed sum. Fewer than 10% of applications paid no contribution at all. Officers did not consider it reasonable to take account of 25 years of financing costs.

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It was MOVED by the Chairman and was duly seconded that the recommendation in the Late Observations sheet be adopted. This was to reject permission unless a section 106 obligation for £10,000 Affordable Housing contribution was completed within six weeks.

The local Member, who had been involved in the negotiations for an Affordable Housing contribution, did not consider the policy to be well suited for calculating contributions in such a case. There had been a series of costs incurred by the applicants which were not fully accounted for under the policy. He also felt that the policy gave inadequate discretion in varying contributions where an applicant had incurred further costs by trying to achieve other policy outcomes such as sustainability.

An alteration to the motion was agreed that a further obligation be added to the planning obligation. Should the property be sold outside the applicants' family within 10 years then the remainder of the affordable housing contribution calculated would be payable to the Council.

Some Members agreed that the policy appeared designed for commercial developments. This application was by private individuals and was for non-standard construction. It was suggested that the compromise was reasonable.

A Member also highlighted that it was not reasonable to take account of 25 years of financing costs.

The motion was put to the vote and there voted –

11 votes in favour of the motion

3 votes against the motion

Resolved: That

A) That delegated authority be given to the Director of Community and Planning to grant permission subject to appropriate conditions and a completed S106 Agreement securing an affordable housing contribution of £10 000 payable on commencement, within 6 weeks of the committee resolution.

The Legal Agreement shall secure the payment of £10 000 towards an off-site affordable housing contribution and shall also include a clause that ensures that if the dwelling is sold to anyone outside of the applicants' family within 10 years of the issuing of the planning permission - the remainder of the affordable housing fee (£25 647) should be paid.

B) If a completed S106 Agreement securing an affordable housing contribution of £10 000 payable on commencement is not received within 6 weeks of the committee resolution, then the application be refused as per the original recommendation, for lack of an affordable housing contribution.

THE MEETING WAS CONCLUDED AT 9.13 PM

CHAIRMAN