

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 4 July 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Dickins, Gaywood, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe.

Apologies for absence were received from Cllr. McGarvey.

Cllrs. Ayres, Fleming and London were also present.

Prior to commencing with the formal business of the meeting, the Chairman proposed five minutes reading time for all those present to familiarise themselves with the late observations papers that had been tabled.

### 34. Declarations of Interest or Predetermination

Members' were referred to recent correspondence from the Monitoring Officer setting out the important new provisions relating to the disclosure of interests under the Localism Act 2011.

No declarations of disposable pecuniary interests or predetermination were made.

### 35. Declarations of Lobbying

All Members of the Committee present, declared that they had been lobbied in respect of item 4.1 - SE/11/02258/FUL - Land SW of FORGE Garage, High Street, Penshurst TN118BU.

All Members of the Committee present except for Cllr. Orridge, declared that they had been lobbied in respect of item 4.2 - SE/12/00250/HOUSE - Amberley, Packhorse Road, Sevenoaks TN13 2QP.

Cllr. Williamson declared that he had been lobbied in respect of item 4.4 - SE/12/00557/FUL - Chevening Home Farm, Sundridge Hill, Sundridge TN14 6AJ.

### 36. Ruling by the Chairman regarding Urgent Matters

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.

### Reserved Planning Applications

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The Committee considered the following planning applications:

### 37. SE/11/02258/FUL - Land SW of Forge Garage, High Street, Penshurst TN11 8BU

The proposal sought the erection of 6 x 2 bedroom dwellings on the site, which would be two storeys high and split into two blocks of three, arranged side by side with a gap of 2.5 metres between the two blocks. The dwellings would be built and occupied as local needs housing units.

Officers considered the proposed development was acceptable subject to the completion of a Section 106 Agreement. It would provide affordable housing to most local needs in a local area. The scale, location and design of the development would respect the context of the site and Conservation Area and Area of Outstanding Natural Beauty the visual amenities of the locality. The development would respect the setting of the Listed Building, and preserve the special character and appearance of the Conservation Area. The traffic movements generated by the development could be accommodated without detriment to highway safety and it was considered appropriate development within the Metropolitan Green Belt.

Members' attention was drawn to the tabled Late Observations sheet which set out further comments received and amended conditions from those set out within the report.

The Committee was addressed by the following speakers:

Against the Application: Mrs. E. Woolman

For the Application: Mr. M. Leader

Parish Representative Mr. J. Cass

Local Member: -

In light of the information that a similar application for an alternative site had been submitted, and upon seeking legal advice, Members considered the possible merits of being able to consider both applications side by side.

It was MOVED by the Vice-Chairman and duly seconded, that the recommendations as set out within the report and amended by the late observations sheet to grant permission subject to conditions and completion of a S106 Agreement, be agreed. An amendment to the motion was MOVED by Cllr. Walshe and duly seconded, to defer consideration of the item to a future meeting in order to be able to compare the merits of the application with a similar application that had been submitted by another applicant.

The amendment to the motion was put to the vote and there voted –

6 votes in favour of the amendment

8 votes against the amendment

The Chairman declared the amendment to the motion to be LOST.

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Cllr. Cooke advised the meeting that he felt obliged to abstain from voting as his impartiality on this matter had been called into question outside of the meeting.

The original motion was put to the vote and there voted –

10 votes in favour of the motion

4 votes against the motion

Resolved: That

a) planning permission be GRANTED subject to the applicant entering into a Section 106 Agreement for the provision of affordable housing and highway improvements and 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 of the materials to be used in the construction of the external surfaces of the dwellings 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 and Area of Outstanding Natural Beauty as supported by Policy EN1 and EN23 of the Sevenoaks District Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 1201/12/3, 1201/11/1, 1201/12/14, 1201/12/13, 1027627/15 Rev E, 1027627/20 Rev B, 1027627/13 Rev K, 1027627/14 Rev E and 1027627/17 Rev C.

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

4. No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

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

5. No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

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

6. No development shall be carried out on the land until details of the hereby approved outbuildings have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

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

7. The development hereby permitted shall not be used or occupied until the 2.4 x 50 metre visibility splays are to be provided and maintained at all times; i.e. a driver waiting to enter the High Street and 2.4 metres from the stop line, should be able to see vehicles approaching at 50 metres distance to left and right, and no obstruction higher than one metre to be permitted on the highway verge within the splays. (Note that the one metre height is to be measured relative to a point on the centre line of the new access road and 2.4 metres from the stop line mentioned above; this point may be lower than the verge.). Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

8. No development shall be carried out on the land until a scheme and timetable for the relocation of the telephone box has been submitted to and approved in writing by the Local Planning Authority. The telephone box shall be relocated in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the retention of a community facility, in accordance with Policies EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy.

9. No development shall take place until details of the layout and construction of the access road has been submitted to and approved by the Council. The details shall include the connection to the High Street, gradients, surfacing materials and road markings.

In the interest of highway safety.

10. No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

In the interest of highway safety.

11. Notwithstanding the submitted plans, no development shall be carried out on the land until details of the proposed boundary treatment and any means of enclosure has been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

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

12. No boundary walls, fences or other means of enclosure shall be erected on the site boundary, despite the provisions of any Development Order.

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To safeguard the rural character of the area.

13. The development shall only be undertaken in accordance with the Flood Risk Assessment (FRA) by Monson Engineering Ltd and addendums (most recent addendum dated 7 March 2012), and the following mitigation measures detailed within the FRA:

- i. The surface water drainage strategy shall be undertaken in accordance with the FRA and addendums
- ii. The access road and car parking area shall be constructed with permeable paving (with a minimum depth of porous sub base of 300mm) and a cut off trench at the western site boundary.
- iii. The surface water discharge to the adjacent ordinary watercourse shall be limited to a rate of 1.5 l/s (Appendix A, Drawing No. 5164/02 C, ' Proposed surface water flood drain').
- iv. A surface water management plan shall be implemented to ensure that the scheme is effective year round for the lifetime of the development, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- v. The surface water drainage scheme shall take into account exceedance events to ensure that surface water runoff is safely routed away from the dwellings.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. The finished floor levels of the dwellings hereby permitted shall be set no lower than 30.9 m above Ordnance Datum (AOD) as detailed in the Addendum to the Flood Risk Assessment by Monson Engineering Ltd dated 7 March 2012.

To reduce the risk of flooding to the proposed development and future occupants.

15. There should be no lowering of ground levels where the existing site level is less than 30.75m AOD. Note existing ground levels on Drawing 1027627/20 B ('Site plan and existing levels).

To reduce the risk of flooding to the proposed development and future occupants by ensuring that site levels will be above the modelled 100 year plus climate change flood level.

16. 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);
- written specifications (including cultivation and other operations associated with plant and grass establishment);

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

The landscape works shall be carried out in accordance with the approved details. 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 protect the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

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

18. No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Council. The plan should include the provision of on site parking and loading, and wheel washing facilities. The development shall be carried out in accordance with the approved plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.

19. No development shall take place until details of further mitigation measures as detailed in the Thomson Ecology reports dated July 2011 and October 2011 have been submitted and approved in writing by the Council. All mitigation measures set out in these reports shall be carried out in full compliance and any building works would take place taking into account the presence of protected species and including all enhancements proposed. The development shall be carried out in accordance with the approved statement.

To ensure the long term retention of protected species on the site as supported by the National Planning Policy Framework.

20. No development shall take place until full details of the proposed foul and surface water drainage systems have been submitted to and approved in writing by the Council. Any approved scheme shall be completed to the written satisfaction of the Council prior to the commencement of the development.

To avoid overload of any existing drainage systems and to meet sustainability and environmental objectives.

21. The first floor window(s) in the side elevation(s) shall be obscure glazed at all times.

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

22. The development shall achieve a Code for Sustainable homes minimum rating of

Level 3. Evidence shall be provided to the Local Authority -

- i. Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 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 a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of the Code levels and BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low carbon energy sources. In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Sevenoaks District Core Strategy.

23. There should be no ground raising within the floodplain of the Medway/Eden rivers, as indicated on Drawing 1027627/20 B ('Site plan and existing levels).

To prevent the loss of flood storage which may otherwise increase the flood risk to the surrounding land.

b) In the event the applicant does not enter into a Section 106 legal agreement within three months of the date of this Development Control Committee, that planning permission be REFUSED for the following reason:

1. The application fails to make an appropriate provision for affordable housing contrary to the requirement of Policy SP3 of the Sevenoaks Core Strategy.
2. The application fails to secure adequate highway safety in relation to the absence for suitable provision of road markings and a Traffic Regulation Order.

At 8.55 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.09 p.m.

(Cllrs. Brown and Walshe were not present for the consideration of the remaining applications.)

38. SE/12/00250/HOUSE - Amberley, Packhorse Road, Sevenoaks TN13 2QP

This application is the consequence of a complaint in respect to a previously granted permission, 10/02828/FUL due to the development as built not being in accordance

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with the approved plans. The proposal sought retention of a single storey rear extension, balcony & first floor extensions to north & south elevations. Change of fenestration. Retention of double garage with room above, dormer windows, external staircase and air source heat pumps.

Officers considered that the development would not have an unacceptable impact on the residential amenities of nearby dwellings. Whilst the development had been carried out without permission and could not be condoned the development as constructed needed to be assessed on its merits; account taken of the previous planning approval; consideration of the variations to the approved scheme needed to be considered in respect to whether it had an adverse impact and if so whether sufficient to justify the constructed scheme being regarded as unacceptable when the original scheme was considered acceptable. The principal issues were impact on amenities and street scene, and trees. The Case Officer reported that since the site meeting that morning he had investigated the noise from the air source heat pumps with Environmental Health and they had confirmed that it was within acceptable limits.

The Committee was addressed by the following speakers:

Against the Application:	Mrs. S. Wandless
For the Application:	Mr. S. Toms
Parish Representative:	Mrs. B. Ide
Local Member:	Cllr. J. London

Some Members expressed concern that the development had managed to progress so far without the correct permission. There was concern with regards to the height of the roof garage, impact on the street scene, and over development.

It was MOVED by the Vice-Chairman and duly seconded that planning permission be refused as the proposal represented an over development of the site, was detrimental to the street scene, particularly due to the large two storey garage at the front of the site. The development would also result in an unacceptable loss of privacy to the adjoining property, The Beeches. As a result the proposal was contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.

A Member asked that the acceptability of the access and egress arrangements to the garage be investigated. The motion was put to the vote and unanimously -

Resolved: That the planning application be REFUSED as the proposal represented an over development of the site, was detrimental to the street scene, particularly due to the large two storey garage at the front of the site. The development would also result in an unacceptable loss of privacy to the adjoining property, The Beeches. As a result the proposal was contrary to Policy EN1 of the Sevenoaks District Local Plan, relevant provisions of the Sevenoaks Residential Character Area Assessment and the design policies of the National Planning Policy Framework, notably paragraph 64.



39. SE/12/00293/LBCALT - Redwalls, Combe Bank Drive, Sundridge, Sevenoaks TN14 6AD

The proposal sought listed building consent to enlarge an existing opening to to the existing Grade II listed wall, in order to facilitate the use of a garage and proposed enlarged parking area. The listed building consent application only related to the works to the listed wall not the other works as described in the report for the extensions to the dwelling which did not require listed building consent. Members were advised that planning permission had been refused under reference SE/12/00292, but listed building consent still needed to be considered on its merits.

The Officers considered the changes to the listed wall would not have an unacceptable impact on the historic fabric, character and appearance of the conservation area/ Historic Park and Garden, and would help facilitate modern vehicular access whilst enhancing the access itself with minimal harm.

The Committee was addressed by the following speakers:

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

The Local Member who sits on the Committee, did not see the need to go against policies and allow a listed wall to be damaged whilst there was no approved planning permission for works behind it.

It was MOVED by the Vice-Chairman and duly seconded that the application for Listed Building Consent be granted as per the recommendations within the report.

The motion was put to the vote and there voted –

3 votes in favour of the motion

8 votes against the motion

The Chairman declared the motion to be LOST.

It was MOVED by Councillor Piper and duly seconded that Listed Consent be refused on grounds of 132 and 133 NPPF, of harmful impact on a designated heritage asset when there was no proven justification for the works.

The motion was put to the vote and there voted –

9 votes in favour of the motion

4 votes against the motion

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Resolved: That Listed Consent be REFUSED as it was considered that there was no reasoned justification for the proposed alterations to the Grade II listed wall. Without a proven justification, the unnecessary harm caused to the heritage asset would be contrary paragraphs 132, 133 of the National Planning Policy Framework.

### 40. SE/12/00557/FUL - Chevening Home Farm, Sundridge Hill, Sundridge TN14 6AJ

The proposal sought permission for the erection of a new detached farmhouse to be sited adjacent to existing farm buildings at Home Farm.

The Officers considered that the re-organisation of the Chevening Estate had resulted in the expansion of the dairy unit to the point where a second residential unit was required in close proximity to the farm. The Council's Rural Planning Consultant had advised that this unit would meet the tests of relevant guidance such as to demonstrate a functional and financial need for this dwelling within 'sight and sound' of the farmyard. The siting and design of the revised scheme was considered to minimise the effects upon the surrounding Green Belt and AONB. The site lies within registered park and garden of the Chevening Estate and with the revised location in closer proximity to the adjacent farm buildings it was considered that the impact upon the parkland was also reduced to an acceptable level such that the house would sit comfortably within its surroundings.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. G. Back
Parish Representative:	Mr. M. Stokes
Local Member:	-

Members were concerned as to the impact on the green belt and AONB but had mind to the Rural Consultant's advice.

It was MOVED by the Vice-Chairman and duly seconded that the recommendations in the report subject to an amendment to Condition 7 to lower the ground floor slab level to 1m lower than existing surrounding land levels, to grant planning permission be approved.

The motion was put to the vote and there voted -

8 votes in favour of the motion

2 votes against the motion

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.

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2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling 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 site 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.-materials for all hard landscaping- boundary treatment. The scheme shall be implemented in accordance with the approved details. Any plants that are damaged, become diseased, die or are removed within 5 years of the implementation of the scheme shall be replaced with species of a size and in a location to be agreed in writing by the Local Planning Authority.

To ensure a satisfactory appearance upon completion.

4) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or in forestry or a dependant of such a person residing with him or her, or a widow or widower of such a person.

This permission is granted specifically because of the special circumstances of this case; as the proposal is contrary to the policies of the development plan.

5) Prior to the commencement of development, details shall be submitted in writing to and be approved by the Local Planning Authority of proposed wheel washing facilities. The approved facilities shall be maintained throughout the duration of the works.

To ensure that the nearby public highway remains clear of mud and debris.

6) Before the use or occupation of the development hereby permitted, the car and lorry parking and turning areas and servicing areas shown on the approved plan shall be provided and shall be kept available for the parking of cars and lorries and for servicing at all times.

In the interest of highway safety.

7) No development shall take place until details of the existing levels of the site, the proposed slab levels and any changes in levels within the site, have been submitted to and approved in writing by the Local Planning Authority. The finished ground floor slab level shall be 1m lower than existing surrounding land levels. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory appearance upon completion.

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8) The ecological enhancements referred to in paragraph 4.11 of the report Bats Buildings and Barn Owls shall be implemented during the construction of the development hereby approved and shall be permanently retained thereafter.

To ensure compliance with the objectives of the National Planning Policy Framework.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 02011/PL/160C, 02011/PL/223, 02011/PL/307A, 02011/PL/400B.

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

The works would preserve and protect the setting of the Registered Parkland.

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: Need for a new agricultural dwelling.

THE MEETING WAS CONCLUDED AT 10.58 PM

CHAIRMAN