

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 28 November 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Mrs. Davison, Dickins, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Mrs. Dawson, Edwards-Winser, Gaywood and Walshe

Cllrs. Abraham, Ayres, Bosley, Firth, London and Ramsay were also present.

87. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 6 November 2013 be approved and signed by the Chairman as a correct record.

88. Declarations of Interest or Predetermination

There were none.

89. Declarations of Lobbying

Cllrs. Mrs. Ayres, Cooke, Mrs. Davison, Dickins, Orridge, Mrs. Parkin, Miss. Stack and Miss. Thornton declared that they had been lobbied in respect of minute item 93 SE/13/02452/LBCALT - Rashleigh, High Street, Brasted, Westerham TN16 1JA.

All Members of the Committee except for Cllr. Miss. Thornton declared that they had been lobbied in respect of minute item 95 310/11/257 – Enforcement of Planning Control, Amberley, Packhorse Road, Sevenoaks TN13 2QP.

Unreserved Planning Applications

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered without debate:

90. SE/13/01950/HOUSE - Homefield Coach House, Blueberry Lane, Knockholt, Sevenoaks TN14 7LL

The proposal was for the erection of a single storey, flat roof side extension to the existing garage, with the formation of a balcony above the proposed extension on the first floor, accessible via new French windows. It was also proposed to convert the existing half-hipped ends of garage roof to gable ends. Changes to external fenestration was proposed together with the re-cladding of the garage in shiplap timber weather boarding under a new natural slate roof.

Development Control Committee - 28 November 2013

The site was on the western side of Blueberry Lane and included a large detached dwelling, with a number of large outbuildings.

In light of the Late Observations, an alteration to the motion was agreed that a condition be added for the removal of Class A Permitted Development rights from the property.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the drawings hereby approved.

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

3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings 001 P1, 004, P3 and 024 P2.

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

4) No development shall take place until details of a screen to the north elevation of the balcony hereby permitted have been submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further modifications to the balcony or balcony screens shall be made without the express prior written approval of the local planning authority.

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

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Class A of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To prevent inappropriate development within the Green Belt as supported by Government advice in the form of the National Planning Policy Framework and policy H14A of the Sevenoaks District Local Plan.

91. SE/13/03190/LDCPR - 5 Tudor Crescent, Otford, Sevenoaks TN14 5QS

Development Control Committee - 28 November 2013

The proposal was for a lawful development certificate for a single storey rear extension to extend no more than four metres from the rear elevation of the main dwelling. The proposal would have a false pitch roof.

The report advised that the proposals complied with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and would therefore be permitted development.

Resolved: That a lawful development certificate be GRANTED for the following reason:-

The proposal complies with Classes A, B and G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

Reserved Planning Applications

The Committee considered the following planning applications:

92. SE/13/02054/FUL - Joh San, Ash Road, Hartley DA3 8EY

The proposal was for the sub-division of the plot with the erection of a 4-bed chalet bungalow. The application site forms part of a large garden relating to an existing three bed bungalow that fronts onto Ash Road. The proposal included the demolition of part of an existing single storey extension of Joh San and creation of a new vehicular access from Ash Road. The primary view of the dwelling would be from Chantry Avenue.

This application related to a residential property on a plot of 0.167ha within the Hartley village envelope. The site was surrounded by properties with a mixture of dwelling type, scale of built form and architectural styles. Access was not available from Chantry Avenue as the applicant did not own the relevant land.

Officers considered that the scale of the building would be compatible with the scale and form of buildings in the immediate locality and would not have such an adverse effect on the character and appearance of the area to warrant an objection. It would not unacceptably impact upon neighbouring amenities.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	Mr. Jeffreys
For the Application:	Mr. Scott
Parish Representative:	-
Local Member:	Cllrs. Ramsay and Abraham

The Case Officer responded to Members' questions. The height of the new building would be 7.7m, with eaves heights of 3.3m. This compared respectively to 5.1m and 7.8m for No. 49 Chantry Avenue and 2.6m and nearly 4.8m for No. 47, the neighbouring properties. The applicant had confirmed there would be no windows in the southern elevation for the retained Joh San dwelling.

Development Control Committee - 28 November 2013

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.

A Members suggested that boundary treatments from Galdana may need to include fencing so as to minimise light pollution from vehicles using the access.

Concern was raised that there would be no Affordable Housing contribution. It was noted the policy had been followed.

An amendment to the motion was agreed that demolition or construction works shall not take place prior to 0900 on Saturdays.

It was noted one of the immediately neighbouring dwellings would be higher than the proposed development.

The motion was put to the vote and there voted –

8 votes in favour of the motion

4 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.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the 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 area as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Boundary Treatments; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

Development Control Committee - 28 November 2013

4) The proposals for landscaping shown on the approved layout shall be implemented prior to the first occupation of the dwelling hereby approved or such other date as may be agreed in writing by the Local Planning Authority. The approved landscaping works shall thereafter be retained in accordance with the approved layout for a period of 5 years. Any trees or plants which, within this 5 year period, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced in the next planting season with others of same species, size and number as originally approved, unless the Local Planning Authority gives written consent to any variation.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

5) Prior to any permanent closure of the eastern vehicular access and commencement of the use of the western vehicular access as shown on approved plan no. PL/002 Rev. B, full details of the restoration of the land relating to the closure of the eastern vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The restoration of the land shall be implemented in full within three months of the first use of the western vehicular access and maintained in accordance with the approved details.

To safeguard the amenities of the area in accordance with policy EN1 of the Local Plan.

6) The dwelling shall achieve Level three of the Code for Sustainable Homes. No dwelling shall be occupied until evidence shall be provided to the Local Authority showing that a final Code Certificate has been issued for it certifying that Code Level three has been achieved or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in the National Planning Policy Framework and policy SP2 of the Core Strategy

7) No development shall take place until full details of a scheme of Biodiversity enhancement has been submitted to and approved by the local planning authority. The approved details shall be implemented in full and maintained thereafter.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework 2012.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B, C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the amenities of adjacent residential occupiers supported by Policy EN1 of the Sevenoaks District Local Plan.

Development Control Committee - 28 November 2013

9) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

To prevent disturbance to nearby residential properties in accordance with Policy EN1 of the Local Plan

10) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/001 Rev. A and PL/002 Rev. B

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

11) No development shall take place until further details showing a scheme of restoration to the southern elevation of Joh San after demolition has taken place as shown on plan no. 4792/PL002/Rev. B. Such a scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and thereafter maintained.

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.

93. SE/13/02523/FUL - Paddock South West of 7 Hotel And Diner, London Road, Badgers Mount, Halstead

The Chairman announced that he would not act as Chairman for the present item as he was a local Member for the item and intended to speak on the item during debate. With the agreement of the meeting he called on the Vice-Chairman, Cllr. Miss. Thornton, to chair the item.

(Cllr. Miss. Thornton in the Chair)

The proposal was a retrospective application for the creation of a new access, gate and hard surface.

A 4m wide opening had been made in the existing hedge and a type 1 crushed stone surface laid to accommodate the new access. A 5-bar gate had been erected approximately 4 metres into the site with 1.33m high wooden fencing installed from the hedge to the gate.

The site was an irregular parcel of land located on the west side of London Road with no other existing access. It was in the Metropolitan Green Belt, opposite to an Area of Outstanding Natural Beauty and a hotel diner.

Officers considered that the gate and fence constituted inappropriate development in principle but there was no additional harm on the openness of the Green Belt, the character of the area, or on highway conditions. Very special circumstances, that it was a low-key form of development providing access to this site whilst maintaining the openness and the visual character of the area, clearly outweighed the harm to the Green Belt.

Development Control Committee - 28 November 2013

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mr. Rollings
Parish Representative:	Cllr. Brooker
Local Member:	-

Members were advised that the track going into the site was subject to a separate planning enforcement investigation and was not relevant to the planning application. Officers felt the use was still in agricultural use. The land no longer had access from Otford Lane since the larger parcel of land had been split.

It was confirmed that the access up to 2m from the road would need to be surfaced with tarmac.

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.

Members identified the land as part of a narrow strip of open Green Belt protecting the district and Sevenoaks from the urban sprawl of London. The rural character of the area was at threat from increasing urbanisation from the nearby Polhill Garden Centre and the diner opposite. Several Members felt the application should be refused in order to protect the Green Belt from encroachment .

It was suggested that very special circumstances had not been identified to outweigh the harm caused.

There was concern the access would not be sufficiently large for vehicles with trailers.

The local Member, on the Committee, expressed concern that the proposal amounted to suburbanisation particularly resulting from the hardstanding adjacent to the road and the pavement . These would detract from the openness and attractiveness of the area.

The motion was put to the vote and there voted –

6 votes in favour of the motion

6 votes against the motion

In accordance with paragraph 24.2 of Part 2 in the Council's Constitution, the Chairman used her casting vote against the motion.

It was moved by Cllr. Williamson and was duly seconded that planning permission be refused for the following reasons:

1. The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. It is not

Development Control Committee - 28 November 2013

been shown that very special circumstances exist to clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policy L08 of the Core Strategy and paragraphs 80, 87 and 88 of the National Planning Policy Framework.

2. The proposed gate, fence and hardstanding would have an adverse impact on the visual quality of the landscape and represent a suburbanising encroachment into the countryside. The proposed development would therefore have a detrimental impact on the countryside and the visual appearance of the Green Belt. This conflicts with policies SP1 and L08 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

That planning permission be REFUSED for the following reasons:

1. The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt and to its openness. It is not been shown that very special circumstances exist to clearly outweigh the harm in principle and the harm to the openness of the Green Belt and as such this conflicts with policy L08 of the Core Strategy and paragraphs 80, 87 and 88 of the National Planning Policy Framework.
2. The proposed gate, fence and hardstanding would have an adverse impact on the visual quality of the landscape and represent a suburbanising encroachment into the countryside. The proposed development would therefore have a detrimental impact on the countryside and the visual appearance of the Green Belt. This conflicts with policies SP1 and L08 of the Sevenoaks Core Strategy.

(Cllr. Williamson resumed the Chair)

94. 13/02452/LBCALT - Rashleigh , High Street, Brasted Westerham TN16 1JA

The proposal was to replace the existing single glazed timber sash windows with double glazed timber sashes in the existing timber framed windows within a Grade II listed building.

The site was located within Brasted High Street Conservation Area, an Area of Outstanding Natural Beauty and an Area of Archaeology Potential. Almost all properties on the north side of the road were Grade II listed, as were a majority on the south.

Officers considered that the proposal would fail to preserve and enhance the Listed Building.

Members' attention was drawn to the tabled Late Observations sheet.

Development Control Committee - 28 November 2013

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Forman
Parish Representative:	-
Local Member:	Cllr. Firth

The comments of the local Member were noted, that a number of the windows were recent additions dating from the 1970s or later. The Committee also noted that some other listed buildings along the High Street had double glazed windows.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse listed building consent be adopted.

It was felt the recommendation was inappropriate as the impact upon the listed building would be small, especially if the conditions suitably controlled their design and appearance. The windows would make the dwelling more habitable.

Some Members sought original windows to be preserved, where possible, while allowing the others to be replaced.

The motion was put to the vote and it was LOST.

It was proposed and duly seconded that the application be DEFERRED to allow a change to the application description and for discussions to be held between the applicants, local Members and Officers to preserve the original windows where possible but otherwise to install replacements as proposed.

Some Members stated that all the windows should be replaced to reduce expense, disruption and stress caused to the applicants. Full replacements would make the property sustainable.

The motion was put to the vote and it was LOST.

It was moved and duly seconded that listed building consent be approved for the replacement of all windows subject to conditions to be agreed by Officers and the local Members. The motion was put to the vote and it was -

Resolved: That listed building consent be GRANTED subject to conditions to be agreed by Officers and the local Members.

Enforcement of Planning Control

95. 310/11/257 - Amberley, Packhorse Road, Sevenoaks TN13 2QP

Officers sought to extend the time needed for compliance with an enforcement notice. It would be extended to 3 months from the date of the meeting with a further 3 months if a valid planning application were received for alterations to the structure within the initial 3 month period.

Development Control Committee - 28 November 2013

Planning permission had been granted for the building of a double garage with an artist studio above. It was not built in accordance with the approved plans. A new application was submitted for the retention of the garage as constructed but it was refused.

An Enforcement Notice was issued on 15 October 2012 to demolish the garage and artist studio within 6 months. The owner had appealed the Notice but it was upheld, giving a compliance date of 30 October 2013. The building remained on site without the benefit of planning permission.

Officers advised that further time was requested as alternative schemes were currently being considered under the pre-application process. This would give a reasonable period for the submission of an application. If there were no success after the expiration of the 3 or 6 month period then the Council would consider prosecution.

The local Member on the Committee asked to be updated on the progress of the file. A local Member, not on the Committee, advised that there had been a meeting of local residents who had agreed to the proposed extension. They had recognised the difficulty in prosecuting if appropriate proposals were under consideration.

It was unanimously -

Resolved: That authority be given to vary the Enforcement Notice, requiring that the time needed for compliance be extended to 3 months from the date of the meeting. Plus a further 3 months if a valid planning application is received for alterations to the garage within the initial 3 month period.

THE MEETING WAS CONCLUDED AT 9.23 PM

CHAIRMAN