

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 27 February 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Dickins, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton, Underwood and Walshe

An apology for absence was received from Cllr. Mrs. Dawson

Cllrs. Ayres, Davison and Scholey were also present.

The Chairman opened the meeting and immediately adjourned in order to allow Members additional reading time to consider the Late Observation papers tabled by Officers. The meeting reconvened at 7.07 p.m.

The Chairman explained that, with the agreement of the Members, the order of the agenda would be amended in order that items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ and 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB could be considered at the same time, as had been done at the meeting on 8 August 2013. Item 4.1 would be introduced by Officers, who would be followed by the public speakers and questions. The same process would then be carried out for item 4.2. A debate would then be held and a decision made on item 4.1 followed by a debate then decision on item 4.2.

### 109. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 30 January 2014 be approved and signed by the Chairman as a correct record.

### 110. Declarations of Interest or Predetermination

Councillor Miss. Stack declared that she knew the Agent of item 4.3 SE/13/03560/FUL - The Old Chapel, 185 London Road, Dunton Green, Sevenoaks, TN13 2TB, from attending local networking events.

Councillor McGarvey advised that he knew the applicant and objectors as it was a small village for item 4.4 SE/13/03831/HOUSE - White Gables, High Street, Farningham, Dartford DA4 ODB and that it had been discussed at the Parish Council, but he had not take part in the debate or vote and had therefore not predetermined the application.

Councillors Cooke and Miss. Thornton declared interests in item 4.5 SE/13/03361/FUL - Derelict Oast House, Oast Farm, Lydens Lane, Hever. Councillor Cooke was involved in

## Development Control Committee - 27 February 2014

a dispute and Councillor Miss. Thornton was a long standing acquaintance of the applicants. Neither would take part in the debate or vote on this item.

### 111. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 113, SE/13/0134/FUL – Land at Stations Road & Fircroft Way Edenbridge, TN8 6HQ and Minute 114, SE/13/00935 – Land north west of junction with St Johns Way, Station Road, Edenbridge, TN8 6EB.

Councillors Clark, Dickens and Miss. Thornton declared that they had been lobbied in respect of Minute 114 , SE/13/03560/FUL – The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB.

Councillors Clark, Mrs. Davison, Dickens, McGarvey, Piper and Underwood declared that they had been lobbied in respect of Minute 115, SE/13/03831/HOUSE – White Gables, High Street, Farningham, Dartford DA4 0DB.

### Reserved Planning Applications

The Committee considered the following planning applications:

### 112. SE/13/00134/FUL - Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ

The Committee had previously resolved to grant permission for this application on 8 August 2013 subject to the completion of an acceptable unilateral undertaking within three months of the meeting and as per conditions to be agreed in consultation with the local Members. Due to the size of the proposed floorspace, the application was referred to the Department of Communities and Local Government (DCLG) to decide whether the Secretary of State wished to call it in. The DCLG confirmed by letter dated 19th December 2013 that the Secretary of State did not wish to call in the application, however because the planning obligation attached to 13/00134/FUL had not been completed within the three month deadline resolved by committee, the application was now back before the Committee in the form of an update report. A signed planning obligation had now been received and the report sought confirmation that the Committee wished to update their previous resolution and grant permission for the development. The conditions had been agreed with Local Members and were set out in the report. The report also considered the implications of the sale of the Coop store in the town centre to Waitrose. Members' attention was brought to the late observations sheet which set out the findings of the Council's retail advisor GVA in response to a letter of objection from Waitrose; a letter received from Sainsburys in response to the objection; a letter from Tesco's and Officer comments. The late observations sheet did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

|                          |                |
|--------------------------|----------------|
| Against the Application: | Rupert Simpson |
| For the Application:     | Peter Kingham  |
| Parish Representative:   | Cllr. Davison  |
| Local Member:            | Cllr. Scholey  |

## Development Control Committee - 27 February 2014

Members asked questions of clarification from the Speakers and Officers. The Committee then heard the Officer presentation and speakers for application SE/13/00935/FUL (see Minute 113) before moving to debate.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant permission subject to conditions, be agreed.

It was confirmed that the store was classed as an 'out of centre' store not an 'out of town' store. Members had due regard to the advice given by the GVA and discussed the potential benefits and detrimental impacts allowing the application would have on the town centre. It was noted that the local Chamber of Commerce was in complete support of the application. Most Members were in agreement that it was not a question of branding but which application would bring the most benefit to the area and fulfil community needs; and a question of better location, site and access. A Member pointed out that the Committee had already agreed this application and it had only had to return to Committee for consideration due to the time delay over the s.106 planning obligation.

The motion was put to the vote and it was

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

- 1) The development hereby permitted shall be begun before the expiration of 3 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 maintain the integrity and character of the building 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, and to minimise impact on bats in accordance with Policies EN1 and EN31 of the Sevenoaks Local Plan, SP11 of the Core Strategy and the NPPF.

- 4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration, fume and extract 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 show appearance and position of the plant on the site. The plant shall be installed only in accordance with the

## Development Control Committee - 27 February 2014

approved details and maintained thereafter. The maximum noise levels detailed in the acoustic specification shall not be exceeded for the duration of the use.

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

- 5) Once installation is complete and prior to the store becoming operational, a noise validation assessment of the plant and equipment shall be carried out. If sufficient attenuation of the noise has not been achieved in accordance with the noise specifications detailed in the acoustic report approved under condition 4, mitigation measures shall be submitted for approval. These measures shall be implemented and maintained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 6) Within 6 months of the store becoming operational, the applicant shall carry out a further acoustic assessment of the store.. If observed noise levels are greater than 3 dB(A) above the predicted levels, then additional mitigation works to bring it below this level shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented within 3 months of their approval and retained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 7) 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 effective of the approved scheme of remediation.

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

## Development Control Committee - 27 February 2014

- 8) The premises shall not be open to visiting members of the public outside the hours of 07:00 to 22:00 Monday to Saturday and 10:00 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.

- 9) No more than 30% of the net sales floor area 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 Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 10) 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 Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

- 11) 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 Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 12) No development shall be carried out on the land until full details of soft and hard landscaping works and boundary treatments 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.- height, material and finish of all boundary treatments.- planting plans (identifying existing planting, plants and trees to be retained and new planting). The proposed planting plans shall show native planting.-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 and boundary treatments shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. Boundary treatments shall be maintained thereafter. 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

## Development Control Committee - 27 February 2014

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 policy EN1 of the Local Plan.

- 13) 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.

- 14) Notwithstanding the details submitted with the planning application, development shall not begin until a sustainable water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 100yr critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on, or off site. The submission shall address the following issues: An estimate of inflow entering the site from the railway culvert should be made, in order to assess the size of the proposed pipe needed to connect it to the surface water network on Fircroft Way. A detailed network analysis to confirm proposed discharge will be no greater than the existing rate and that a sufficient volume of storage will be provided. A 20% increased rainfall intensity should be used in the design to accommodate climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

To prevent an increased risk of flooding both on and off site.

- 15) Prior to commencement of the use, details of bat and bird boxes located throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to use of the store and approved thereafter.

In the interests of ecological protection in accordance with policy SP11 of the Core Strategy and the NPPF

- 16) Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

## Development Control Committee - 27 February 2014

To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

- 17) Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

To ensure provision of adequate off street parking for vehicles, in the interests of highway safety and to protect the amenity of local residents.

- 18) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels chassis and bodywork effectively cleaned and washed free of mud and similar substances.

In the interests of highways safety and amenity.

- 19) No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing CHQ.11.9683-PL05B. The spaces approved shall be retained for parking 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 policy EN1 of the Sevenoaks District Local Plan.

- 20) 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.

- 21) Prior to the commencement of the development, a scheme for the management of deliveries 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 in accordance with policy EN1 of the Sevenoaks District Local Plan.

- 22) The development hereby permitted shall be carried out in accordance with the following approved plans: CHQ.11.9683-PL02, CHQ.11.9683-PL03, CHQ.11.9683-PL04, CHQ.11.9683-PL05B, CHQ.11.9683-PL06,

## Development Control Committee - 27 February 2014

CHQ.11.9683-PL07, CHQ.11.9683-PL08, 3150/20C, 3150/21, 925-01, 925-02, 925-04, 925-05.

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

- 23) Prior to commencement of the use, details of an electric vehicle charging point in the public car park shall be submitted to and approved by the Local Planning Authority. The electric vehicle charging point shall be installed prior to commence of the use, and maintained thereafter.

In the interests of sustainability.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, VP1, EP8 , EB1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO6, SP1, SP2, SP8, SP9, SP11 NPPF

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and enhance the visual amenities of the locality.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development would not have a detrimental effect on residential amenity

The proposal would provide an adequate level of parking provision

Although there would be a loss of employment land ,there would be an increase in the number of jobs

There would be planning benefits to Edenbridge in the increased retail choice provided by the development.

### Informatives

- 1) Underwater fuel storage should be undertaken in accordance with the Environment Agency's Ground Water Protection: Policy and Practice (GP3) and with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations. The Environmental permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.
- 2) The applicant will be required to enter into a Section 278 agreement with the Highway Authority in order to undertake any works on the public highway.
- 3) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.



## Development Control Committee - 27 February 2014

(Cllr. Walshe arrived during the beginning of the presentation and speakers for this application and did not vote on this matter.)

### 113. SE/13/00935/FUL - Land North West Of Junction With St Johns Way, Station Road, Edenbridge TN8 6EB

It was noted that the application was deferred from the Committee meeting held on 8 August 2013 in order to await any decision of the Secretary of State for Communities and Local Government on application SE/13/00134/FUL. Permission was sought for the demolition of the existing buildings and redevelopment of the site to provide a Tesco food store with the main vehicular access for customers on St Johns Way. The access was originally shown from Station Road but had been altered following a Highways objection. A unilateral undertaking had been proposed which made a number of provisions which were material to consideration of the planning application as they directly related to the impact of the development proposal. Members' attention was brought to the late observations sheet which set out some late comments but did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

|                          |                  |
|--------------------------|------------------|
| Against the Application: | Stuart McGregor  |
| For the Application:     | Richard Williams |
| Parish Representative:   | Cllr. Davison    |
| Local Member:            | Cllr. Scholey    |

Members asked questions of clarification from the Speakers and Officers. The Committee then debated SE/13/00134/FUL (see Minute 112) and took a decision on that application before moving to debate this application.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse permission, be agreed.

Members again had due regard to the advice given by GVA, and took into account the impact of the decision taken to approve the Sainsburys application (see Minute 112 above). Some Members were also concerned with potential traffic issues and the site's location. Councillor Mrs. Davison moved an additional reason for refusal, which was duly seconded, on the grounds of the disruption to the nearby residential properties by noise, lighting and general disturbance. She was keen that associated traffic movements be included. On advice of the Acting Development Control Manager she agreed that this would be covered by EN1.

The amendment to the motion (to include additional grounds for refusal) was put to the vote and was carried.

The substantive motion was then put to the vote and it was

Resolved: That planning permission be REFUSED for the following reasons

- a) the capacity for out of centre retail provision would be met through the planning permission resolved to be granted at land at Station Road and Fircroft Way under SE/13/00134/FUL. In the absence of capacity for any

## Development Control Committee - 27 February 2014

further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal was considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF;

- b) the proposed development, including associated traffic movements, would cause an unacceptable level of disturbance detrimental to the amenities of adjoining residents contrary to Saved Local Plan policy EN1.

At 9.00 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.10 p.m.

### 114. SE/13/03560/FUL - The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB

The proposal was an amended resubmission which sought planning permission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing. The application had been called to Development Control Committee by Councillor Brown to consider the impact of the proposal on the street scene and on parking. Members' attention was brought to the late observations sheet which proposed amendments to Conditions 4 & 5.

The Committee was addressed by the following speakers:

|                          |                  |
|--------------------------|------------------|
| Against the Application: | -                |
| For the Application:     | Nicholas Appleby |
| Parish Representative:   | Freda England    |
| Local Member:            | -                |

Members asked questions of clarification from the Speakers and Officers.

It was moved by the Chairman and duly seconded, that the recommendation in the report to grant permission subject to conditions contained in the report and amended in the late observations sheet, be agreed. It was noted that the previously refused application had included a mezzanine floor and had Kent Highways had objected on that basis, this application did not apply for a mezzanine floor and the conditions proposed prevented development of any additional floor space. The property was Class D1 of the Use Class order and a nursery also fell under this category which meant that permission was not required for the proposed use.. The question of number of children attending fell outside of the planning remit.

Members questioned the need for dormer windows if there were no mezzanine floor, and did not like the loss of the original frontage and its potential impact on the street scene. It was also felt that the fence height requested was too intrusive so close to the highway. The local Member speaking as a member of the Committee was concerned by traffic movements as raised with the previous application.

The motion was put to the vote and lost.

## Development Control Committee - 27 February 2014

In response to questions the Acting Development Control Manager advised against including highways and traffic issues in any grounds for refusal.

The Chairman moved, and it was duly seconded, that the application be refused on the grounds that the extensions and alterations, including the proposed dormers, and the alteration to the door and the fence would have an adverse impact on the street scene.

The motion was put to the vote and it was

Resolved: That by virtue of the scale, setting and design of the dormer windows, entrance lobby and fencing the proposal would result in a form of development that would appear detrimental to the character of the existing building and be an incongruous feature within the wider street scene. This was not in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

### 115. SE/13/03831/HOUSE - White Gables, High Street, Farningham, Dartford DA4 ODB

The proposal sought permission for demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension. It was a resubmission of a scheme previously refused at committee contrary to the officer's recommendation (planning reference SE/13/13/00628/HOUSE refers). The application had been taken to appeal and withdrawn. The proposal was the same as the previously refused scheme and had been considered against Section 70A of the Town and Country Planning Act 1990 to establish if there were grounds to refuse to accept the application. It had been found that the Local Authority could not decline to entertain the application in this instance, as the local authority had to have also refused more than one similar application within a two year period. The officer assessment and recommendation was also the same as previously except that it responded to new points raised in the consultation replies. The application was called to Committee by Councillor McGarvey due to the concerns that the proposal may result in an overdevelopment of the cramped site, and that the proposal may affect the amenities of existing neighbours and future occupants of the site and on the grounds of highway safety.

Members' attention was brought to the late observations sheet which commented on a further representation received, and did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

|                          |              |
|--------------------------|--------------|
| Against the Application: | Mr B Roberts |
| For the Application:     | -            |
| Parish Representative:   | -            |
| Local Member:            | -            |

Members asked questions of clarification from the Speakers and Officers. A Member asked whether there was a condition for soft landscaping, the Case Officer response that there was not but it could be added.

## Development Control Committee - 27 February 2014

At 10.27 p.m. it was moved by Cllr. Miss. Thornton and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda. The motion was put to the vote and it was

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant permission subject to conditions, be agreed.

Members were disappointed that this had come before Committee again and felt that the previous reasons for refusal still stood as stated in the report including conflict with policy LO8 of the Core Strategy.

The motion was put to the the vote and lost.

The Chairman moved, and it was duly seconded that the application be refused for the previous reasons listed at paragraph 22 of the report and including LO8 of the Core Strategy. The motion was put to the vote and it was

Resolved: By virtue of its size, bulk and position the proposal would result in a cramped form of development within the site which would be detrimental to the character of the street scene and would fail to preserve or enhance the Conservation Area. This is contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and the National Planning Policy Framework and Core Strategy Policy LO8.

### 116. SE/13/03361/FUL - Derelict Oast House, Oast Farm, Lydens Lane, Hever

The proposal sought permission for restoration and conversion of a former Oast House to a single residential dwelling with associated garden access and parking. The application followed the refusal of permission for a similar proposal that was not accompanied by a legal agreement setting out an acceptable financial contribution towards an affordable housing provision. The application was therefore refused solely on the basis that it failed to comply with policy SP3 of the Core Strategy. The applicant had now agreed an appropriate level for a contribution and had completed a legal agreement containing the agreed contribution. Members' attention was brought to the late observations sheet which commented on the previous reason for refusal and did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

|                          |               |
|--------------------------|---------------|
| Against the Application: | -             |
| For the Application:     | Jane Horibin  |
| Parish Representative:   | Cllr. Scholey |
| Local Member:            | Cllr. Davison |

Members asked questions of clarification from the Speakers and Officers. In response to questions the Case Officer advised that the scale, size and amount of work was more

## Development Control Committee - 27 February 2014

than the policy permitted but there were special circumstances. If the applicant separated the proposal out, proposed the alteration of the building to restore the oast house and once completed applied to convert the building to a residential use it was unlikely that the Council would have grounds to prevent this from occurring in this instance. He was therefore of the opinion that the conflict within the policy should not prevent the current application. The applicant had also put forward a number of other very special circumstances that mainly involved the restoration of the curtilage listed building, which should be given material weight. The building was curtilage listed, due to its historic link to the listed farmhouse to the south-east of the site, and so was a designated heritage asset. As such there was a duty on the Council to have special regard to the desirability of preserving the building. It was also the case that great weight should be given to the asset's conservation. In response to a further question he did advise that a condition could be placed requiring detailing of foundations to be submitted.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant permission subject to conditions, be agreed. Members discussed the merits of the application in the light of relevant policy.

The motion was put to the vote and it was

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 details of the materials to be used in the construction of the external surfaces of the reconstructed oast house hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To conserve the significance of the curtilage listed building as supported by The National Planning Policy Framework.

- 3) The enhancements recommended within paragraph 4.3 - 4.6 of the Extended Phase I Habitat Survey, dated June 2011, must be incorporated in to the proposed development site.

To enhance biodiversity in the area as supported by the National Planning Policy Framework.

- 4) Until development commences the site shall be maintained so as to discourage reptiles from inhabiting the site. This shall be done by regularly cutting back the vegetation that is found on the site.

To prevent reptiles from being affected by the proposed development as supported by the National Planning Policy Framework.

## Development Control Committee - 27 February 2014

- 5) 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.

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

- 6) Soft landscape works shall be carried out before first occupation of the oast. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 7) 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 preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 8) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1980/1, 1980/2, 1980/3, 1105/1 P1, 1105/2 P1, 1105/3 P1, 1105/4 P1, 1105/5 P1, 1105/6 P1, 1113.02 Rev.02, 1113.03 Rev.02, 1113.04 Rev.02, 1113.05 Rev.02 and 1113.02 Rev.00.

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

### Informatives

- 1) There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible it is

## **Development Control Committee - 27 February 2014**

recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

- 2) Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. It is therefore advised that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing any external lighting.
- 3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the KCC Public Rights of Way Officer before commencing any works that may affect the Public Right of Way. It would also be advisable for the applicant to put up signs warning contractors that the track is used by pedestrians during the construction period.
- 4) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

(Councillor Miss. Thornton left her position in the Chamber, took no part in the debate and did not vote.)

THE MEETING WAS CONCLUDED AT 11.15 PM

CHAIRMAN

