

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 20 May 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Edwards-Winsor, Firth, Gaywood, McGarvey, Orridge, Mrs. Parkin, Miss. Stack, Underwood and Walshe

Apologies for absence were received from Cllrs. Bosley, Cooke, Neal, Raikes and Miss. Thornton

Cllrs. Ayres, Fittock, Fleming, Mrs. George, Mrs. Morris, Piper, Mrs. Sargeant and Searles were also present.

The Chairman advised the meeting would commence at 7.05pm to allow Members time to consider the Late Observations.

1. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 24 April 2014 be approved and signed by the Chairman as a correct record.

2. Declarations of Interest or Predetermination

There were none.

3. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of minute item 6 - SE/13/03596/FUL Former Site of The Farmers, London Road, Sevenoaks, Kent.

Unreserved Planning Applications

There were no public speakers against the following items and no Member reserved the item for debate. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matter was considered without debate:

4. SE/13/03557/FUL - Hillway , Pilgrims Way East, Otford, Sevenoaks TN14 5RX

The application was for permission for the demolition of an existing house and the erection of new replacement dwelling. At its meeting on 5 March 2014 the Committee had agreed to approve the development in principle, subject to agreeing the wording of conditions with local ward members. The conditions had been referred back to the Committee for determination.

Members' attention was brought to the late observations sheet which proposed changes to condition 6 and informative 2 of the recommendation.

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Resolved: The list of conditions proposed by officers which is as follows be agreed and the application be approved subject to these conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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 including the balcony hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

Reason: To ensure that the appearance of the development enhances the character and appearance of the dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No building, enclosure or swimming pool, 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.

Reason: To ensure that any such proposal is considered on its merits having regard to the openness of the Green Belt, the character of the landscape and the principle of this development, that was approved based on very special circumstances as inappropriate development in the Green Belt.

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

Reason: To ensure that any such proposal is considered on its merits having regard to the openness of the Green Belt, the character of the landscape and the principle of this development, that was approved based on very special circumstances as inappropriate development in the Green Belt.

5) No development shall take place until details of the: existing levels of the land; any proposed slab and finished floor levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

Reason: To maintain the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) No development shall be carried out on the land until a scheme of soft landscaping has been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying 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 and maintenance. In addition the scheme shall include indications of all existing trees and hedgerows on the land and measures for their protection throughout the course of the development. No existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any existing tree or hedgerow be topped or lopped without the

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prior written approval of the Local Planning Authority. The soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the dwelling or in accordance with a programme of implementation agreed in writing with the Local Planning Authority.

Reason: To maintain the visual amenity of the area as supported by policy EN1 of the Sevenoaks District Local Plan, L08 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

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.

Reason: To maintain the visual amenity of the area as supported by policies EN1 of the Sevenoaks District Local Plan.

8) No development shall be carried out until a scheme of hard landscaping (which includes surfacing details), has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details. The hard landscape works shall be carried out before the first dwelling is occupied or in accordance with a programme of implementation agreed in writing with the Council. The landscape works shall be carried out in accordance with the approved details.

Reason: To maintain the visual amenity of the area as supported by policies EN1 of the Sevenoaks District Local Plan.

9) Notwithstanding the information on the plans, no development shall be carried out until full details of all existing and proposed means of enclosure have been submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design and materials of all means of enclosure and a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: 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.

10) Before occupation of the dwelling hereby approved the existing buildings shown for removal on the approved plan no. P07 shall be demolished and all materials arising there from shall be removed from the site.

Reason: In the interests of residential and visual amenities of the area and the open character of the Green Belt in accordance with Policy EN1 of the Sevenoaks District Local Plan, L08 of the Sevenoaks Core Strategy and the advice and guidance in the NPPF.

11) The works required for the development authorised by this permission shall only be carried out in accordance with the details of the Kent Wildlife Trust Management Plan dated June 2011 (The Management Plan).

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Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

12) No development shall commence until details have been submitted of a monitoring scheme for the Kent Wildlife Trust Management Plan dated May 2011 (the Management Plan). This monitoring scheme shall include details of routine monitoring of key indicators of success and details of how management of the site will be amended due to the monitoring results. The Management Plan shall be monitored in accordance with the approved details.

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

13) No development shall commence, until a strategy for biodiversity enhancement, has been submitted to and approved in writing by the Local Planning Authority together with a timetable for implementation and maintenance. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

14) 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.

Reason: In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and the advice and guidance in the NPPF.

15) The development hereby permitted shall be carried out in accordance with the following approved plans 100 A, P01, P02 A, P03 B, P04/1 C and P04/2 C, P07 D and P07 received 29<sup>th</sup> November 2013

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

16) No development shall commence until a scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting details shall be in accordance with the following details:-

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

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- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

Reason: In the interests of nature conservation as supported by Policy EN17B of the Sevenoaks District Local Plan.

### Informatives

- 1) In respect of condition 13 above, the applicant's attention is drawn to the comments received from Natural England dated 18 December 2013 in response to the application, which address the issue of enhancements. These comments have been copied in full for information for the benefit of the applicant. The applicant is advised to consider incorporating enhancements recommended by Natural England into any subsequent strategy for biodiversity enhancement.

### *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

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### *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

2) Please note that the preference for facing materials for the main dwelling, to be submitted for condition 2, should include a local red brick finish.

### Reserved Planning Applications

The Committee considered the following planning applications:

5. SE/13/03751/FUL - Birchwood County Primary School, Russett Way, Swanley BR8 7TP

The Committee was advised that the item had been withdrawn from the agenda because the applicant had withdrawn the planning application.

6. SE/13/03596/FUL - Former Site Of The Farmers, London Road, Sevenoaks, Kent

The proposal was for the construction of a residential led mixed use scheme comprising 39 flats (5 no. one bed and 34 no. two bed), 4 no. retail (A1/A2) units and car parking, service yard, landscaping and associated works. The application had been referred to Development Control Committee by Councillor Fleming on the grounds of overdevelopment, uninspiring design, and lack of affordable housing.

Members' attention was brought to further information contained within the late observations sheet, but did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

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

Members asked questions of clarification from the Speakers and Officers. Members asked what the difference in height was between the proposal and the extant permission SE/10/03271 granted on appeal. Members were referred to the report. At its highest the proposal was 2.5m above the existing permission (but would be recessed) then would move to 6m higher where the increase was from 3 to 5 storeys. The proposal would step down to be the same height and then lower at its eastern boundary.

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It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions and subject to completion of a S106 agreement to secure affordable housing within a 2 month period be adopted.

Members noted the comments of the Highways Authority and did not feel that these had been appropriately dealt with by the applicants.

It was suggested that the design was a substantial change from the extant permission as the peak would be higher and most of the length of the building on London Road would be substantially higher. The design was considered out of keeping with the majority of buildings in the area and another Member indicated that the area was historically characterised by low-rise Victorian design. The site was a principal gateway to a market town. The proposal failed to add to the quality of the area and did not respect the character of the area.

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

It was moved by the Chairman and duly seconded that planning permission be refused on grounds that the building would have an overbearing impact due to excessive bulk, height and scale, that it would be detrimental to the appearance of the street scene and that it would fail to respond positively to the character of the local area.

Members indicated that the development could create a “canyon” effect along London Road.

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

Resolved: That planning permission be REFUSED on the grounds that:

1 the excessive bulk and height of the proposed development would have an overbearing impact on the street scene in a prominent gateway position into Sevenoaks, and the design would fail to respond positively to the local character of the area. This would be contrary to Policy EN1 of the Sevenoaks District Local Plan, Policies SP1 and SP7 of the Sevenoaks Core Strategy, Policy EN1 of the emerging Sevenoaks District Council Allocations and Development Management Plan, and the National Planning Policy Framework; and

2 in the absence of a completed S106 agreement to secure affordable housing, the development would fail to make adequate provision towards such housing in the District, contrary to Policy SP3 of the Sevenoaks Core Strategy.

The Committee noted the request of Cllr. Fleming that in the event of an appeal against refusal for Officers to make representations for planning conditions to control the materials used, in consultation with the local Members, and that parking spaces be attached to residential units.

Cllr. Brown entered the Chamber.

7. SE/13/03843/CONVAR - Land East Of, Park Lane, Swanley Village, Swanley, Kent

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The proposal was for the removal of conditions 3 (Residency), 4 (Occupation restriction) and 6 (Siting) of planning permission SE/07/02075/FUL which had been for the change of use to residential, stationing of two mobile homes (with associated mobility ramps), two touring caravans, a car port and associated hardstanding (Resubmission of SE/06/02550/FUL).

The application was referred to the Committee as the officer's recommendation was at variance to the Town Council's. Councillor Brookbank had also requested that members consider the departure from the Green Belt policy and the "very special circumstances".

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Angus Murdoch
Parish Representative:	-
Local Member:	Cllr. Searles

Members asked questions of clarification from the Speakers and Officers. Officers explained that there were no outstanding enforcement actions against the applicants for the site.

The Case Officer advised that condition 6 was not now to be altered. The applicants had accepted the Officer's recommendation that alteration to that condition be refused.

A Member noted that condition 3 of the original permission gave Mr Dibsdall and his residential dependents permission to live on site because he was intended to be carer for the applicant, Mr Clarke. However Mr Dibsdall had found the caring onerous and had not moved on site. The Member sought evidence on the suitability of Mr and Mrs Clarke's daughters who were proposed to be new carers.

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

Members raised concerns at the number of people who would be given permission to reside on the site. The agent for the applicant confirmed there would be 4 adults under this permission. Members noted there could be many dependents. Officers clarified that the proposed condition 2 meant that the land was to be restored to its former condition once no longer required by either Mr or Mrs Clarke; carers and their dependents would have to leave the land at that point.

In response to a question, the agent for the applicant confirmed that Mr Clarke required full-time care around-the-clock.

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

It was moved by the Chairman and duly seconded that the item be deferred to enable the applicant to put before the Committee information concerning the care needs on site and the suitability of the daughters as carers.

The motion was put to the vote and it was –



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Resolved: That consideration of the application be deferred for further information on the justification for both Sharon Clarke Jnr and Lucy Clarke needing to be on site permanently to provide care with their children and whether they would be suitable as carers.

### 8. SE/14/00188/FUL - Land West Of 9 Mount Harry Road, Sevenoaks TN13 3JJ

The proposal was for the erection of a 5 bedroom detached dwelling with integral garage. The application was referred to the Committee since the Officer's recommendation was at variance to the view of Sevenoaks Town Council and at the request of Councillor Raikes who shared the concerns of the Town Council.

Members' attention was brought to further information contained within the late observations sheet.

The Committee was addressed by the following speakers:

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

The local Member drew attention to the concerns raised by the Highways Authority and that there had been no response from the Authority confirming that they were satisfied. These concerns were the possible substandard visibility from the eastern access, uncertainty as to the intended splays and some confusion that vegetation below 1m was to be removed.

The agent for the applicant confirmed that the plan should refer to removal of vegetation over 1m. The case officer added that the eastern access was outside of the red line marking the application site. Highways matters had not been raised as an objection in SE/10/02641, a similar proposal which had only been refused by the Inspector on grounds of lack of affordable housing contribution.

Members were asked to note the tabled representation from Cllr Raikes in the late observations sheet. Members asked questions of clarification from the Speakers and Officers.

It was MOVED by the Chairman and was duly seconded that consideration of the application be deferred to allow officers to seek a clarification from the Highways Authority on the matters raised and whether their concerns had been satisfied.

The motion was put to the vote and it was –

Resolved: That consideration of the planning application be DEFERRED to allow officers to seek a clarification from the Highways Authority on the matters raised and whether their concerns had been satisfied.

### 9. SE/13/03811/ADV - Car Parks, Nightingale Way, Swanley, Kent

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The proposal sought advertisement consent for the retention of signage associated with an existing surface pay and display car park. This application was limited to the display of 19 non-illuminated signs of varying size and design, although there were in excess of 40 signs displayed throughout the site, the others being without consent. The application had been referred to the Committee by Councillor Fittock to consider the impact of the advertisements on amenity and public safety.

The Committee was addressed by the following speakers:

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

Members asked questions of clarification from the Officers. Members asked the relevance of the signs as the payment machine itself did not have planning consent. The case officer advised that no enforcement action had been taken against the placing of the payment machine but the applicant had said they would submit a planning application for it by 1 June 2014.

In response to a question, Officers confirmed that the signs had been installed without prior consultation.

It was MOVED by the Chairman and was duly seconded that consideration of the application be deferred to allow the application for advertising consent to be considered at the same meeting as planning permission for the ticket machine.

The motion was put to the vote and it was –

Resolved: That consideration of the application for advertising consent be DEFERRED to allow the application for advertising consent to be considered at the same meeting as planning permission for the ticket machine.

THE MEETING WAS CONCLUDED AT 10.12 PM

CHAIRMAN