

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 13 December 2018 commencing at 7.00 pm

Present: Cllr. Thornton (Vice Chairman) (In the Chair)

Cllrs. Ball, Clark, Coleman, Edwards-Winsor, Gaywood, Halford, Mrs. Hunter, Layland, McArthur, Parkin, Purves, Reay and Raikes

Apologies for absence were received from Cllrs. Barnes, Bosley, Horwood and Williamson

Cllrs. Clack, McGregor, Piper and Scholey were also present.

42. Ruling by the Chairman regarding Urgent Matters

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman advised the Committee that he had agreed to accept an urgent matter - "18/03506/AGNOR Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE" (Minute 51 below) as a prior notification application had been submitted and such applications had to be determined within a given timescale or they benefited from automatic permissions. The applications expired on 14 December 2018 and the next meeting of Development Control was not until 17 January 2018.

43. Minutes

Resolved: That the minutes of the Development Control Committee held on 15 November 2018 be approved and signed as a correct record.

44. Declarations of Interest or Predetermination

Councillor Reay declared that for Minute 46 - 18/03413/HOUSE - 24 Dynes Road, Kemsing, Sevenoaks TN15 6RA he was the applicant for the item and would not take part in the debate or voting thereon.

Councillor McArthur declared that for Minute 47 - 18/00690/FUL - Swan Inn, Swan Lane, Edenbridge TN8 6BA she had previously considered the matter when it was discussed by Edenbridge Town Council, but that she remained open minded.

Councillor Raikes declared that for Minute 48 - 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ he had previously considered the matter when it was discussed by Sevenoaks Town Council, but that he remained open minded.

Councillor Coleman declared that for Minute 51 - 18/03506/ARGNOR Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE she would be

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speaking on the item as the local Member and would not take part in the debate or voting thereon.

45. Declarations of Lobbying

All Councillors except Ball, Halford and McArthur declared that they had been lobbied in respect of Minute 47 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ

All Councillors except Ball, Coleman, McArthur and Purves declared that they had been lobbied in respect of Minute 48 - 71 Newlands Cottages, Stones Cross Road, Crockenhill BR8 8LT.

All Councillors except Ball and McArthur declared that they had been lobbied in respect of Minute 49 - 18/02613/HOUSE - Keepers Cottage, Hill Hoath Road, Chiddingstone TN8 7AE.

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(e) of the constitution, the following matter was considered without debate:

46. 18/03413/HOUSE - 24 Dynes Road, Kemsing, Sevenoaks TN15 6RA

The proposal sought planning permission for the demolition of a conservatory and erection of a single storey rear and side extension.

The application had been referred to Development Control Committee as the applicant was an elected ward councillor.

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 match those used on the existing building.

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 Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1815/01 and 1 unnumbered 1:250 scaled location plan, 1 unnumbered 1:500 scaled block plan.

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

Reserved Planning Applications

The Committee considered the following planning applications

47. 18/00690/FUL - Swan Inn, Swan Lane, Edenbridge TN8 6BA

The proposal sought planning permission for the development of a three storey residential building.

The application had been referred to the Development Control Committee by Councillors McGregor and Scholey due to concerns relating to loss of amenity and loss of light from overshadowing and noise issues arising from the pub, causing disturbance.

Members' attention was brought to the main agenda papers and the late observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	Stephen Wilson
For the Application:	-
Parish Representatives:	Town Cllr Scholey
Local Member:	Cllr McGregor

Members asked questions of clarification from Officers. An error within the report was noted in paragraph 47 whereby the public house was referred to instead of the application in relation to avoiding adverse effects in habitable rooms. Officers advised that the density target of 40 dwellings per hectare in residential areas was a guideline figure. Acoustic protection had been conditioned to limit noise impact from the public house and main road. Members raised questions about parking provision and the type of electric charging point proposed.

It was moved by the Chairman and duly seconded that the recommendation within the report to grant planning permission be approved.

Members raised concerns around the design of the proposal. Concerns were raised about its "brick-like" appearance and flat roof which were not considered in keeping with the street scene and were considered detrimental to the appearance of the local area.

The motion to grant planning permission was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be refused on the grounds of the design, scale and massing of the proposal.

The motion was put to the vote and it was

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Resolved: That planning permission be refused on the grounds that the design, scale and massing of the proposed development would create a prominent and incongruous feature within the street scene. The development is contrary to policy SP1 of the Core Strategy, EN1 of the Sevenoaks Allocations and Development Management Plan and the aims and objectives of the National Planning Policy Framework and Edenbridge Design Statement (1998).

48. 18/02753/FUL - 18 St Botolphs Road, Sevenoaks TN13 3AQ

The proposal sought permission for the demolition of the existing building on site, and the erection of two buildings providing 2x4 bed semi-detached, and 3x3 bed terraced houses with associated parking and waste storage.

The application had been referred to the Development Control Committee by Councillor Fleming due to concerns about the proposal being contrary to paragraph 127 of the NPPF with regards to design and appearance and the Sevenoaks Residential Character Area Assessment.

Members' attention was brought to the main agenda papers and the late observation sheet.

The committee was addressed by the following speakers:

Against the Application:	Robert Mankiewicz
For the Application:	Duncan Parr
Parish Representatives:	-
Local Member:	Cllr Fleming

Members asked questions of clarification from Officers. Members were advised that the "missing documents" referred to in the public comments were not required for the validation process and the plan inaccuracies related to a boundary dispute between the applicant and a neighbour. It was confirmed that the Vine Conservation Area was up to and including 28 St Botolphs Road.

It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

Discussions took place around the proposal's relation to the conservation area and the street scene in the lower part of St Botolphs Road. It was noted that other similar developments had taken place in this area and the proposal did not appear to be overdeveloped in comparison with neighbouring properties. Some concerns regarding design were raised. Despite the small gardens planned for the site Members noted the proximity to the Vine and other parks within central Sevenoaks. It was noted that obscured windows and roof lighting had been included in the proposal to ensure acceptable light levels and the privacy of neighbouring properties.

The motion was put to the vote and it was

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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) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: FP1 rev A, FP10 rev A, FP11 rev B, FP12 rev A, FP13 rev A, FP14 rev A, FP15 rev B, FP16 rev A, FP17 rev A and FP18 rev A.

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

- 4) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) The window(s) on the first and second floor of the western elevation of Block 2 and the windows on the second floor of the southern elevation of Block 1, of the development hereby permitted shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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To safeguard the privacy of the occupants of adjoining properties in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 6) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Appendix C and Appendix G in the Arboricultural Survey and Planning Method Statement have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 9) No development shall take place until a Method Statement (detailing all aspects of construction and staging of works along the eastern and northern boundaries) and a cross sectional drawing of the site to include the retaining wall and the construction of the access has been submitted

to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 10) No development shall take place until details of all utility routes through the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 11) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include: (a) parking for vehicles of site personnel, operatives and visitors (b) loading and unloading of plant and materials (c) storage of plant and materials used in constructing the development (d) programme of works (including measures for traffic management) (e) provision of boundary security hoarding behind any visibility zones (f) wheel washing facilities (g) measures to control the emissions of dust and dirt during construction (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works (i) hours of operation.

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 12) Prior to occupation of the dwellings the ecological enhancements detailed within paragraph 5.2 of the Ecology Report (Greenlink Ecology; August 2018) must be implemented and thereafter maintained.

To preserve and enhance biodiversity and habitats in accordance with Policy SP11 of the Core Strategy.

- 13) The car parking spaces as shown on the approved plans shall be used solely for the benefit of the occupants of the dwelling(s) and their visitors and shall be permanently maintained for that purpose.

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To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 14) Prior to any above ground works, full details of any proposed works to the railings on the northern front boundary have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

To safeguard the special architectural and historic interest of the locally listed asset in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

- 15) Prior to the occupation of the development communal electric vehicle charging points shall be provided within the site, sufficient to charge five vehicles at any one time.

To encourage the use of low emission vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 16) The proposed dwellings shall not be occupied until details of the construction of the footpath in the north eastern corner are submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be retained.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 17) Prior to the commencement of any works, notice shall be given to the local planning authority five days prior to a hand dug trench being excavated to the depth of 1 foot, along the length of the driveway, in the RPAs of the Oak (T1) and Horse Chestnut (T2) trees. The Local Planning Authority shall inspect the trench and any appropriate mitigation measures put in place shall be formerly agreed by the Local Planning Authority in writing prior to any further works being carried out.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

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Informative

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.

49. 18/02608/HOUSE - 71 Newlands Cottages, Stones Cross Road, Crockenhill BR8 8LT

The proposal sought permission for the demolition of outbuildings and existing side extension, proposed a double storey side extension and single storey rear extension and a change of car parking from rear to the front of the property.

The application had been referred to the Development Control Committee by Councillor Lindsay who believed that the development did not represent inappropriate development that was harmful to the openness of the Green Belt.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -
For the Application: Lee Palmer
Parish Representatives: -
Local Member: -

Members asked questions of clarification from Officers.

It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

It was noted that the proposed 80.9% increase in floor area was considered to be overdevelopment in a greenbelt area. Members discussed the street scene and thought that the design and size would be appropriate for the area and in keeping with neighbouring properties. The proposal was considered to be against policy which Members weighted against the importance of good design and continued use of existing materials.

The motion to refuse planning permission was put to the vote and it was lost.

It was moved by the Chairman and duly seconded that planning permission be granted, subject to conditions to limit further development and protect trees and landscaping with formal wording delegated to the Chief Planning Officer.

Resolved: That

- a) planning permission be granted subject to outbuildings to be demolished prior to development and conditions to be included to limit further development by removing permitted development rights B, D and E and to protect trees and landscaping; and
- b) the Chief Planning Officer be delegated authority to draft the formal wording for the decision notice in line with (a) above.

50. 18/02613/HOUSE - Keepers Cottage, Hill Hoath Road, Chiddingstone TN8 7AE

The proposal sought permission for alterations to an existing dwelling including rear single storey and part two storey extension and a new bay window on the front elevation.

The application had been referred to Development Control Committee by Councillor Coleman to consider the impact upon the openness of the Green Belt and the level of development permitted without requiring planning permission.

Members' attention was brought to the main agenda papers and the late observation sheets.

Against the Application: -
For the Application: Roland Foord
Parish Representatives: -
Local Member: -

Members asked questions of clarification from officers and the speakers. The size of the garage was confirmed to be 41 square meters. Not including the garage, the proposal would increase the size of the property by 61%. Officers clarified the scope of the Lawful Development Certificate held for the property which would permit the ground floor proposal to be built without planning permission. Members were advised that approving this proposal would remove the applicant's permitted development rights for further development.

It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

Members considered the proposal's setting within an Area of Outstanding Natural Beauty (AONB). The application was considered to be well designed and congruous with the wider area. If refused, concerns were expressed around the applicant producing a less attractive and fitting design which they would not be required to apply for planning permission for if in line with the Lawful Development Certificate. Members considered the support from the Parish Council for the application. It was noted that the development would only constitute a 20% increase on current permitted building rights.

The motion to refuse planning permission was put to the vote and it was lost.

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It was moved by the Chairman and duly seconded that planning permission be granted subject to conditions to limit further development with formal wording delegated to the Chief Planning Officer.

Resolved: That planning permission be granted subject to the following conditions

- a) 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.

- b) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To maintain the integrity and character of the building as supported by the NPPF and policy EN1 of Sevenoaks District Councils Allocations and Development Management Plan.

- c) The garage and summer house and all existing outbuildings, except those shown on plan 000.10.01.Pln. 020/A shall be demolished prior to development being carried out on the land.

As the removal of these structures contributes to the very special circumstances in this case that clearly outweigh the harm to the Green Belt and to mitigate further harm as supported by the National Planning Policy Framework and policy GB3 of Sevenoaks District Councils Allocations and Development Management Plan.

- d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development shall be carried out in relation to Schedule 2, Part 1, Class A, B, D and E of that order without prior planning permission from the Local Planning Authority.

In recognition of the very special circumstances of the case and to mitigate harm to the openness of the Green Belt as supported by the National Planning Policy Framework and policies GB1 and GB3 of the Allocations and Development Management Plan.

- e) No development shall be carried out above the damp proof course of the hereby approved development until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall cover as appropriate: 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

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numbers/densities where appropriate. Implementation timetables.

Development shall then be carried out in accordance with the approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- f) The development hereby permitted shall be carried out in accordance with the following approved plans: 000.10.01.Pln. 020A, 021, 022, 023, 024, 060, 061, 62, proposed site plan, proposed front entrance parking / driveway.

At 9.20 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.26 p.m.

51. 18/03506/AGRNOT Land North of Oakenden Farm, Oakenden Lane, Chiddingstone Hoath TN8 7DE

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman had agreed to accept this report as an urgent matter.

The Agricultural Notification had been called to the Development Control Committee by Councillor Coleman on the grounds that the building may not have been reasonably necessary for the purposes of the agricultural unit and may have not been sited appropriately.

Members' attention was brought to the main agenda papers and the late observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	-
Parish Representatives:	Parish Cllr Mitzi Quirk
Local Member:	Cllr Coleman

(Having spoken as the local Member Cllr Coleman remained in the Chamber but did not take part in the debate or voting thereon.)

Members asked questions of clarification from the Officers. It was queried whether the proposed agricultural store could be sited elsewhere on the land and Members were advised that the applicant had been asked to consider alternative siting however had not found an alternative.

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It was moved by the Chairman and duly seconded that the recommendations within the report be agreed.

The motion was put to the vote and it was

Resolved: That prior approval was not required.

THE MEETING WAS CONCLUDED AT 10.08 PM

CHAIRMAN