

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 4 July 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, Purves, and Raikes

Apologies for absence were received from Cllrs. Firth, McGarvey, Pett and Roy

Cllr. Grint was also present.

### 8. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 4 July 2019, be approved and signed as a correct record.

### 9. Declarations of Interest or Predetermination

There were none.

### 10. Declarations of Lobbying

All Councillors, except for Councillors P Darrington and Hudson declared that they had been lobbied in respect on Minute 11 - 18/03929/MMA - Watercrofts Wood, Old London Road, Badgers Mount, Kent

### Reserved Planning Applications

The Committee considered the following applications:

#### 11. 18/03929/MMA - Watercrofts Wood, Old London Road, Badgers Mount, Kent

The proposal sought permission for a minor material amendment to 16/03186/FUL - Proposed Chapel, maintenance store, access, car parking and associated landscaping. To re-position external windows and doors. As amplified by amended proposed site plan drawing received 25 April 2019.

The application had been referred to the Development Control Committee by Councillor Williamson on the grounds that that the proposals may have an unacceptable impact on the openness of the Green Belt contrary to policy.

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Members' attention was brought to the main agenda papers and late observations which amended condition 3 and included an additional condition 12.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Neal Thompson  
Parish Representative: Parish Cllr Terry Brooker  
Local Member: Cllr Grint

Members asked questions of clarification from the Officers and speakers and were advised that the 5 trees were removed by a statutory undertaker and a further 8 were removed by the applicant. The Legal Officer informed Members the High Court injunction should not be taken into consideration and the application needed to be considered on its own merits.

It was moved by the Chairman and duly seconded that the recommendation within the report as altered by the late observations be agreed.

Members debated the application and considered whether a 20% increase could be considered as minor in the Green Belt.

The motion was put to vote and it was

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

- 1) The permission hereby granted shall only be exercised in conjunction with the permission for use of the land as a cemetery in accordance with SE/93/01575/FUL as amplified by SE/08/02894/LDCEX.

This permission is granted specifically in relation to the special circumstances surrounding the use of the site in this Green Belt location as supported by Government advice in the form of the National Planning Policy Framework.

- 2) The maintenance building shall not be constructed other than in accordance with the details indicated on drawing 3917\_PL\_07 on application SE/16/03186/FUL.

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) Within one month from the date of this decision the following information shall be submitted to the District Planning Authority for approval in writing:
  - Details of the individual tree planting indicated as part of the landscaping proposals on Proposed Site Plan drawing 3917\_PL\_10

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Rev D, such details to specify the siting, species and size of planting.

- Details of a scheme of tree planting to the east of the access road opposite the chapel and adjacent to the proposed turning head. Such details to include the precise location, species and variety of a number of indigenous or semi-indigenous trees with a minimum 12-14cm girth as measured at 1m above ground.

The tree planting shall be implemented within 2 months of the date of approval of details.

In all other respects, the hard and soft landscaping shall be implemented in accordance with the details indicated on the Proposed Site Plan.

The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within ten years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

To safeguard the visual amenities of the area as supported by EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Unless in accordance with the badger survey and mitigation approved under reference 18/00144/DETAIL approved 6 March 2018, no further development shall take place until an updated badger survey has been undertaken and any potential impact from the proposals considered. Details of the results of the survey and any proposed mitigation and timetable for implementation as necessary shall be submitted to the District Planning Authority for approval in writing. Any necessary mitigation shall be undertaken in accordance with the approved details within the agreed timescale.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy.

- 5) Unless in accordance with the details approved under reference 18/00145/DETAIL approved 3 August 2018 no external lighting shall be installed on site until a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy shall: a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are

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likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory. No external lighting shall be installed on the building or within the site other than in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved details.

In the interests of the impact on protected species as supported by Government advice in the form of the National Planning Policy framework, policy SP11 of the Council's Core Strategy.

- 6) Any further measures required in regard to the control and mitigation of Japanese Knotweed on the site shall be carried out in accordance with the details approved under reference 18/00146/DETAIL dated 6 March 2018.

In the interests of the ecology of the site as supported by Government advice in the form of the National Planning Policy Framework, policy SP11 of the Council's Core Strategy.

- 7) The Construction Management Plan approved under reference 18/00149/DETAIL dated 31 May 2018 shall be adhered to throughout the remaining construction period.

In the interests of convenient access and highway safety as supported by policies EN1 and T1 of the Allocations and Development Management Plan.

- 8) The 2.4m by 120m sightline indicated on drawing 3917\_PL\_04 approved under reference 16/03186/FUL dated 27 January 2017 shall be provided and maintained in accordance with the approved drawing and there shall at no time be any obstructions over 1m above the carriageway within the splays.

In the interests of convenient access and highway safety as supported by policies EN1 and T1 of the Allocations and Development Management Plan.

- 9) Prior to occupation of the development details of the size, design and materials of the bin storage shall be submitted to the District Planning Authority for approval in writing. No bin storage shall be provided other than in accordance with the approved details.

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To ensure the provision satisfactory design and appearance of the refuse stores as supported by policy EN1 of the Allocations and Development Management Plan.

- 10) The details relating to minimising the risk of crime on the site shall be implemented in accordance with the details approved under reference 18/00150/DETAIL dated 31 May 2018.

In the interest of Security, Crime Prevention and Community Safety as supported by the National Planning Policy Framework and Policy EN1 of the Allocations and Development Management Plan.

- 11) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 3917\_PL\_02 C, PL\_10 D, PL\_13 C; Willow Town & Country Planning Ltd. Planning Statement and BHD Supporting Statement.

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

- 12) Within one month of the date of this decision, details of which specific ecological enhancements are to be implemented out of the variety recommended in the Landscape Planning Ltd. Preliminary Ecological Appraisal approved under application reference 16/03186/FUL, together with a timetable for implementation, shall be submitted to the District Planning Authority for approval in writing. The approved enhancements shall be implemented in accordance with the approved details.

To safeguard the ecological interests of the site as supported by EN1 of the Sevenoaks Allocations and Development Management Plan and policy SP11 of the Council's Core Strategy.

### Informative

The applicant is advised that no removal of hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive to avoid any damage or disturbance to nesting birds.

12. 19/00353/FUL - Woodlands Farm, Otford Lane, Halstead, Kent TN14 7EF

The proposal sought permission for the demolition of existing dwelling and construction of a new replacement dwelling. Construction of garages and pool house. The application had been referred to Development Control Committee by Councillor Grint on the grounds that the proposed development was inappropriate in the Green Belt and harmful to its openness.

Members' attention was brought to the main agenda papers.

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The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: -  
Parish Representative: Cllr Terry Brooker  
Local Member: Cllr John Grint

Members asked questions of clarification from the Officers and were advised that legislation provided permitted development rights regardless of whether a property was situated in the Green Belt, and therefore the Council's 50% policy could not be applied to the permitted development.

The Chairman moved and it was duly seconded that the recommendation within the report be agreed.

Members debated the application and discussed the size, scale and bulk of the application and whether the impact would be greater than the works that could be carried out under Permitted Development. It was noted by Members that Permitted Development rights would be removed should the application be granted.

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) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 15-01\_P001/A, 15-01\_P002, 15-01\_P003/A, 15-01\_P004/A, 15-01\_P005/A.

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

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, C, D or E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

To protect the openness of the Green Belt and the purposes of including land within the Green Belt, and to comply with policy GB1 of the ADMP and the aims of the NPPF.

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- 4) The biodiversity enhancements detailed in the letter from Greenlink Ecology dated 26th March 2019 shall be implemented in full in the first planting season following the completion of the development.

To ensure the development delivers appropriate biodiversity enhancements and to comply with policy SP11 of the Core Strategy.

- 5) Prior to the commencement of the construction of the garage, details of a no-dig method of construction for the garage and its associated utilities, designed to protect the roots of the Oak tree shall be submitted to and approved in writing by the Local Planning Authority. The construction shall take place only in accordance with the approved details.

To ensure the protection of the Oak tree and to comply with policy EN1 of the ADMP.

- 6) Prior to the commencement of development (including any demolition) details of tree protection measures to protect the existing Oak tree shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be erected prior to the commencement of works on the site and shall be maintained in accordance with the approved details until such a time that all construction works have been completed.

To ensure the protection of the Oak tree throughout the construction process and to comply with policy EN1 of the ADMP.

- 7) The pool house and garage hereby approved shall only be used in connection with main dwelling and for ancillary residential purposes.

To preserve residential amenity and local traffic conditions to comply with policies EN1 and T2 of the ADMP.

13. 17/02424/FUL - Area Of Land Between Button Street And M20 Slip Road, Button Street, Swanley, Kent

The proposal sought permission for the use of land for the stationing of caravans for residential purposes together with dayroom ancillary to that use. The application had been referred to Development Control Committee by Councillor McGarvey on the grounds that the very special circumstances did not clearly outweigh the harm to the Green Belt.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: -

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For the Application: -  
Parish Representation: ~~Cllr Terry Brooker~~  
Local Member: Cllr Carroll (on behalf of Cllr McGarvey)

Members asked questions of clarification from the Officers.

It was moved and duly seconded that the recommendation in the report to grant planning permission be agreed.

Members discussed the lack of accepted sites within the District and that the application was from a family with school links. It was noted how the current location of the caravans was screened by fences and foliage.

The motion was put to the vote and it was

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

- 1) The occupation of the site hereby permitted shall be carried on only by Mr M Nichols and his resident dependants, whilst Mr Mark Nichols resides on the site and while he complies with the definition of gypsies and travellers set out in Annex 1 of Planning Policy for Traveller Sites August 2015.

Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green Belt and any other harm expressly relate to Mr M Nichols and in accordance with Planning Policy For Traveller Sites August 2015.

- 2) There shall be no more than one pitch on the land and on the pitch hereby approved no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed on the site at any time, of which only 1 caravan shall be a static caravan, together with the single associated amenity building.

In order to protect the openness of the Green Belt and character of the area as supported by Government Guidance in the form of the National Planning Policy Framework, policy L08 of the Council's Core Strategy and policies EN1 and EN5 of the Allocations and Development Management Plan.

- 3) No commercial activities shall take place on the land, including the storage of materials.

In order to protect the openness of the Green Belt and character of the area as supported by Government Guidance in the form of the National Planning Policy Framework and to preserve the visual appearance of the



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area as supported by EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

- 4) Notwithstanding the provisions of Part 5 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no other buildings other than the two caravans and utility/day room shall be erected on the site without the written approval of the local planning authority.

To prevent inappropriate development within the Green Belt as supported by the National Planning Policy Framework and policy SP6 of the Council's Core Strategy.

- 5) Within 2 months of the date of this decision, full details of the acoustic fence shall be submitted to the District Planning Authority for approval in writing. Such details to include the precise siting, method of construction and density of the fence. The acoustic fence shall be erected in accordance with the approved details within a period of two months from the date of approval and maintained as approved thereafter.

In the interests of the residential amenities of the occupiers of the site as supported by policy EN7 of the Council's Allocations and Development Management Plan.

- 6) For the avoidance of doubt the information to which this decision relates is as follows: Drawing Nos.: 15\_757\_001, 002 A, 003 A, 004 A and REC Air quality Assessment dated March 2019 and Ned Johnson Acoustic Consultants - Acoustic Assessment of Noise at Pedham Stables.

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

- 7) When the land ceases to be occupied by Mr Mark Nichols and his resident dependants, the use hereby permitted shall cease and all caravans and structures, materials and equipment brought onto or erected upon the land, or works undertaken to it in connection with that use, shall be removed and the land shall be restored to its condition before the work took place.

Given that the very special circumstances in this case which clearly outweigh the harm to the Green Belt and any other harm expressly relate to Mr M Nichols and in accordance with Planning Policy for Traveller Sites 2015.

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THE MEETING WAS CONCLUDED AT 8.27 PM

CHAIRMAN