

26 September 2019 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Despatched: 18.09.19



Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth, Hogarth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Roy

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 15 August 2019, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Officer Planning & Regulatory Services Report		
4.1 19/01493/DETAIL - Fairlight, Badgers Road, Badgers Mount, Kent TN14 7AZ Details pursuant to condition 6 (Landscaping) of SE/15/03115/FUL.	(Pages 5 - 14)	Louise Cane Tel: 01732227000

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, 23 September 2019.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 15 August 2019 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Barnett, Cheeseman, Perry Cole, Coleman, P. Darrington, Hudson, Hunter, Layland, McGarvey, Purves, Raikes, Reay and Roy

Apologies for absence were received from Cllrs. Ball, Firth, Hogarth and Pett

Cllrs. Osborne-Jackson and Thornton were also present.

19. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 25 July 2019, be approved and signed as a correct record.

20. Declarations of Interest or Predetermination

Councillor Raikes declared for Minute 22 - 19/01735/LDCPR, 41 Bradbourne Park Road, Sevenoaks, TN13 3LJ, that he had previously considered the matter when discussed by Sevenoaks Town Council, but he remained open minded.

Councillor Coleman declared for Minute 23 - 19/01534/HOUSE, Vine House, Grove Road, Penshurst, TN11 8DU, that she had brought it to Committee because of the Parish Council views, but remained open minded.

21. Declarations of Lobbying

There were none.

Unreserved Planning Applications

There were no public speakers against the following item 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:

22. 19/01735/LDCPR - 41 Bradbourne Park Road, Sevenoaks, Kent TN13 3LJ

The proposal sought planning permission for a loft conversion with new L-shaped dormer. The application had been referred to Development Control Committee as the applicant was a member of staff.

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

Resolved: That planning permission be granted as the proposals would constitute permitted development as it conforms to Schedule 2, Part 1, Classes B, C and G of the Town and Country General Permitted Development (England) Order 2015 as amended.

Reserved Planning Applications

The Committee considered the following applications:

23. 19/01534/HOUSE - Vine House, Grove Road, Penshurst, Kent TN11 8DU

The proposal sought planning permission for a new entrance canopy and single storey extension to rear with alterations to fenestration. The application had been referred to Development Control Committee by Councillor Coleman.

Members' attention was brought to the main agenda papers and late observation which recommended an additional condition to remove permitted development rights for outbuildings.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Michael Dade

Parish Representative: Parish Councillor Andrew Campbell

Local Member: -

Members asked questions of clarification from the Officers.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations, be agreed.

Members discussed the application. At the end of debate 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 materials to be used in the construction of the development shall be those indicated on the application form.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 and EN5 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: 1810/008 Rev 01, 1810/007 Rev 01, 1810/020 Rev 02, 1810/005 Rev 01, 1810/006 Rev 01 and Site Location Plan.

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

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Class E of that Order.

To prevent further harm to the Green Belt as supported by policies GB1 and GB3 of the Sevenoaks Allocations and Development Management Plan.

24. 19/01058/HOUSE - Merryn, Orpington Bypass Road, Badgers Mount, Kent TN14 7AG

The proposal sought planning permission for a first floor rear extension and internal alterations. The application had been referred to Development Control Committee by Councillor Grint.

The Committee was addressed by the following speakers:

Against the Application: Arthur Evans

For the Application: -

Parish Representative: Parish Councillor Gordon Plumb

Local Member: -

Members asked questions of clarification from the Officers.

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

Members discussed the application. At the end of debate the motion was put to the vote and it was

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

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Development Control Committee - 15 August 2019

- 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: 6927-PD-02A.

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

- 3) The materials to be used in the construction of the development shall be those indicated on the approved plan 6927-PD-02A.

To ensure that the appearance of the development is in harmony with the existing character of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) The new roof light window in the southern side elevation of the approved extension shall be obscure glazed and non-openable at all times, unless above 1.7m above the internal floor level.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the first occupation of the development details of ecological enhancements to be implemented within the site 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 and retained thereafter.

To ensure that the development enhances ecology locally in accordance with the National Planning Policy Framework and policy SP11 of the Sevenoaks Core Strategy.

THE MEETING WAS CONCLUDED AT 7.45 PM

CHAIRMAN

4.1 19/01493/DETAIL

Date expired 5 August 2019

Proposal: Details pursuant to condition 6 (Landscaping) of SE/15/03115/FUL.

Location: Fairlight, Badgers Road, Badgers Mount, Kent TN14 7AZ

Ward(s): Halstead, Knockholt & Badgers Mount

Item for decision

The application was referred to Development Control Committee by Councillor Grint as the plan fails to preserve and enhance the visual appearance of the area.

RECOMMENDATION: The discharge of the planning condition.

Description of proposal

- 1 This application is seeking to approve details reserved by condition under planning permission 15/03115/FUL. The previous landscaping scheme was approved under details application 16/03384/DETAIL.
- 2 This original planning permission was granted on 29 January 2016 for the demolition of the existing house and construction of new two-storey replacement dwelling with rooms in the roof and dormer window to the rear.
- 3 Condition 6 was attached to the permission stating that:

A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:

- a) *Soft plantings, including trees, grass and turf areas, shrub and herbaceous areas; their location, species (use of native species where possible) and size;*
- b) *Enclosures: including types, dimensions and treatment of walls, fences, pedestrian and vehicular gates, screen walls, barriers, rails, retaining walls and location, species and size of hedges;*
- c) *Hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, steps and if application synthetic surfaces; and*
- d) *Any other landscaping feature(s) forming part of the scheme.*

All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. 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,

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die, become severely damaged and diseased within five 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.

Reason: to preserve and enhance the visual appearance of the area as supported by Policies EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

- 4 Also related to condition 6 was condition 11, which stated:

The details submitted to accordance with condition 6 above shall include:

- a) A plan showing the location of, all existing trees on the land, which have a stem with a diameter exceeding 5mm when measured over the bark at a point 1.5m above ground level. The plan shall identify those trees, which are to be retained and the crown spread of each retained tree. In paragraph 'b' to 'e' below references to a 'retained tree' mean an existing tree which is to be retained in accordance with this plan.*
- b) Details of the species, diameter (measured in accordance with Paragraph a above), the appropriate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on the land adjacent to the site and to which paragraphs (c) and (d) below apply.*
- c) Details of any proposed topping and lopping of any retained tree, or of any tree on land adjacent to the site.*
- d) Details of any proposed alterations in existing ground levels and of the position of any proposed excavations or other engineering operations. These details shall be illustrated by a series of cross-sections showing existing and proposed levels.*
- e) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of any retained tree from damage before or during the course of development.*
- f) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office.*

Reason: to prevent the damage to the existing trees on and/or immediately adjacent to the site during the construction period; as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5 Therefore the current submission seeks to discharge condition 6, whilst also providing details as retained trees and tree protection measures in line with condition 11 of planning permission 15/03115/FUL.

Description of site

- 6 The site is located to the south of Badgers Road, which is a Public Right of Way, within the rural settlement confines of Badgers Mount. The site comprises a detached dwelling currently under construction under planning permission 15/03115/FUL.

Constraints

- 7 Area of Outstanding Natural Beauty
- 8 Public Right of Way (Badgers Road)

Policies

- 9 National Planning Policy Framework (NPPF)

Para 14 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise (see paras 11, 12, 13 of NPPF).

Para 14 of the NPPF (and footnote 9) also advises that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless there are specific policies in the NPPF that indicate that development should be restricted. This applies to a variety of designations, including SSSIs. Green Belt, AONBs, designated heritage assets and locations at risk of flooding.

- 10 Core Strategy (CS)

- SP1 Design of New Development and Conservation
- SPP1 Biodiversity

- 11 Allocations and Development Management (ADMP)

- EN1 Design Principles
- EN5 Landscape

Relevant Planning History

- 12 15/02625/FUL - Demolition of existing house and erection of a new two-storey dwelling with rooms in the roof and dormer window to rear - withdrawn

15/03115/FUL - Demolition of existing house and construction of new two-storey replacement dwelling with rooms in the roof and dormer window to rear - granted

16/03384/DETAIL - Details pursuant to condition 6 (landscaping) of 15/03115/FUL - granted

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18/00779/HOUSE - Erection of a single storey garden/studio - granted

18/01347/DETAIL - Details pursuant to condition 6 (landscaping) of
15/03115/FUL - withdrawn

Representations

SDC Tree Officer

- 13 the proposed landscaping as shown upon drawing number 5244-PD-006 concentrates planting within the rear garden. Whereas this is acceptable, I would like to see an ornamental tree planted within the frontage, which would add structure to what is currently proposed and improve the amenity of the street scene.

Officer note: - the landscaping scheme has been amended following the above comments being received. The amended plan now includes shrubs to the front garden of the application site. The tree to the front suggested by the Tree Officer cannot be included within the scheme as this parcel of land is not within the ownership of the applicant.

- 14 Based on this, the additional comments were provided by the SDC Tree Officer:
- ‘I have now been made aware that tree planting to the frontage is not achievable due to differing ownership. Taking account of all comments received and the details of planting shown upon drawings number 5244-[D-006, inclusive of species and sizes. I continue to find the proposals acceptable’.

Badgers Mount Parish Council

- 15 Objection with the following concerns:
1. The proposal is still less than the previously approved scheme (SE/16/03384/DETAIL) and does not give the screening previously provided.
 2. The drawing shows a ‘retaining wall’ crossing most of the verge outside the site boundary. This seems unnecessary as the drawing shows a difference in level of 0.1 m between the site drive and the adjacent drive of Cotswolds which could easily be accommodated by a gentle slope of both the new drive and strip of grass between the two drives. It also conflicts with the letter from KCC PROW officer dated 29 October 2015 in response to the original application, which stated - there must be no change of level in this area that could constitute a trip hazard to members of the public using the verge.

Representations

- 16 An objection from a neighbour, with the following concerns:
- Removal of trees
 - Amount of trees on site
 - Size of hardstanding to rear
 - Boundary dispute

- Biodiversity
- Ground levels
- Accuracy of tree report
- Impact on Public Right of Way
- Harmful impact on the AONB

Chief Officer Planning & Regulatory Services appraisal

Consideration of soft landscaping

- 17 The landscaping condition was previously discharged under approved under details application 16/03384/DETAIL, which retained a number of the former trees on the site.
- 18 However, a number of trees shown to be retained have been removed from the site. Therefore, the applicant providing a new and alternative landscaping plan to seek address the loss of these trees.
- 19 The new landscaping plan would include planting and hedging along both sides of the boundary to the front of the site, which would consist of Lavandula Hidcote with Hebe ground cover to front of bed along with Yew hedging. To the rear there would be a large number of trees which includes the existing being retained along with the addition of Laurel, Magnolia Grandiflora, Fig, Prunus Pendula, Amlanchier Lamarckii, Holm Oak, fruit trees. The proposed new fruit trees would be located along the rear boundary of the site along with the addition of Holm Oak tree. The Magnolia Grandiflora and Fig trees would be positioned against the north-east boundary of the site between both the application site and Rozel and the Amlanchier Lamarckii tree along the south-west boundary between the site and Cotswolds. The Prunus Pendula tree would be located in the centre of the rear garden.
- 20 This proposed scheme seeks to address the loss of trees since the original details were approved through new additional planting. The trees that have been removed were sited along the rear boundary and a tree along the south-west boundary.
- 21 There have been concerns raised from the Parish Council and a neighbour that this landscaping plan is inferior to that granted under 16/03384/DETAIL. However, this approved landscaping plan, while retaining the trees along the rear boundary, did not provide any further meaningful planting of trees within the rear garden.
- 22 In total seven mature trees were removed from previously approved landscaping scheme in the rear garden. The proposed scheme now includes the planting of 13 trees in the rear, as detailed above, along with the planting of 6 fruit trees, as a small orchard. Whilst it is clearly disappointing that the 7 existing trees were removed, any resultant enforcement action would have requested the planting of replacement trees. In this instance, the applicant is seeking to plant 13 trees, plus a 6 fruit trees in place of the 7 mature trees that were removed. It

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acknowledged that in the short term the trees will not match the size of the previous trees the stood on the same, they would however in the medium and long term secure an enhancement to the visual amenity of the local area.

- 23 In addition, the new proposal provides a wider variety of proposed trees and an increase in tree planting, plus a small orchard of fruit trees. Whilst the remainder of the rear garden would be laid to lawn and a part of the front of the property alongside Badgers Road.
- 24 In terms of the possibility of tree planting in the front garden, the SDC Tree Officer initially suggested a tree be planted on the lawn area on the front. The applicant confirmed that a tree in the lawn at the front would not be possible as this parcel of land is not in the ownership of the applicant. Based on this information, the SDC Tree Officer found the landscaping plan acceptable. The proposed landscaping would be acceptable in terms of the types proposed, their planting size and the timescale for planting, would maintain the visual amenity of the area through the large areas of grass and additional trees.

Condition 11

- 25 The discharge of condition 6 is also linked to condition 11, which required details of the existing trees on the site, their condition and crown spread, amongst other information. This also required details of any tree pruning (topping/lopping), details of ground levels and any tree protection fencing. A tree survey plan and tree protection plan have been submitted with the application, which confirms the location of the existing trees being retained and indicates the protection fences. The agent has also confirmed that there would be no pruning within the scheme and no excavation or engineering works would also take place on site within the root zones of the trees. The Landscape Officer has found these details to be acceptable. In addition to this, the agent has also confirmed that there would be no changes to ground levels within the root zones with the storage of materials being solely located on the areas of hardstanding on the application site.

Consideration of hard landscaping

- 26 The proposed hardstanding on site is for the driveway to be red block paving. The paths and patio would be buff sawn sandstone and brick retaining walls would be light red/buff to match the existing property
- 27 These materials are considered acceptable due to the varied material finish with Badgers Road area and therefore would not be out of keeping with the character of the area. The crossover onto the site would be tarmac however, this would match neighbouring properties.
- 28 The proposed close-boarded fencing is considered acceptable in this residential area and would be an expected feature. The proposed post and rail fencing is welcomed to the front of the property to create a softer boundary treatment, consistent with the character of the area.

- 29 The proposed level of hardstanding is not excessive both in the front and rear gardens would be sympathetic to the scale and design of the application site and would be acceptable.

Other Matters

- 30 Concerns have been raised in relation to the removal of trees, the amount of trees on site and the accuracy of the tree report. This has been fully assessed by the SDC Tree Officer who has not raised any concerns over the information submitted acceptable.
- 31 The local resident has raised concerns over the proposed siting of the post and rail on their boundary. The responsibility and maintenance of boundary fences and ownership is a civil matter and therefore is not a material planning consideration.
- 32 Concerns have been raised in relation to the impact to the biodiversity issues. However the siting of bird and bat boxes for biodiversity enhancement is covered planning condition 10, which has already been approved under application 18/01361/DETAIL. The annotation of the position of bat and birds on the landscape plans differs from the approved locations. However the landscape drawings do not overrule or supersede the approved biodiversity enhancements, which still require the bat and bird boxes to be sited as agreed under details application 18/01361/DETAIL.
- 33 There were also concerns raised in relation to the Area of Outstanding Natural Beauty however, the site would conserve the character of both the area and AONB due to the variety of soft landscaping and increase in trees on site, will result in an enhancement to the AONB.
- 34 Matters relating to the private rights of way, were covered by the original planning permission and subject to discussions between the applicant and the KCC PROW office.

Conclusion

- 35 In light of the above considerations, the proposed landscaping scheme would provide an appropriate level of soft landscaping which ensure the visual amenity of the residential area is maintained, in accordance with Policy EN1 and EN5 of the ADMP.
- 36 The proposed hardstanding would be acceptable and the materials would not appear out of keeping within the area and therefore is in accordance with Policy EN1 and EN5 of the ADMP.

Contact Officer(s): Louise Cane - Contact 01732 227000

Richard Morris
Chief Officer Planning & Regulatory Services

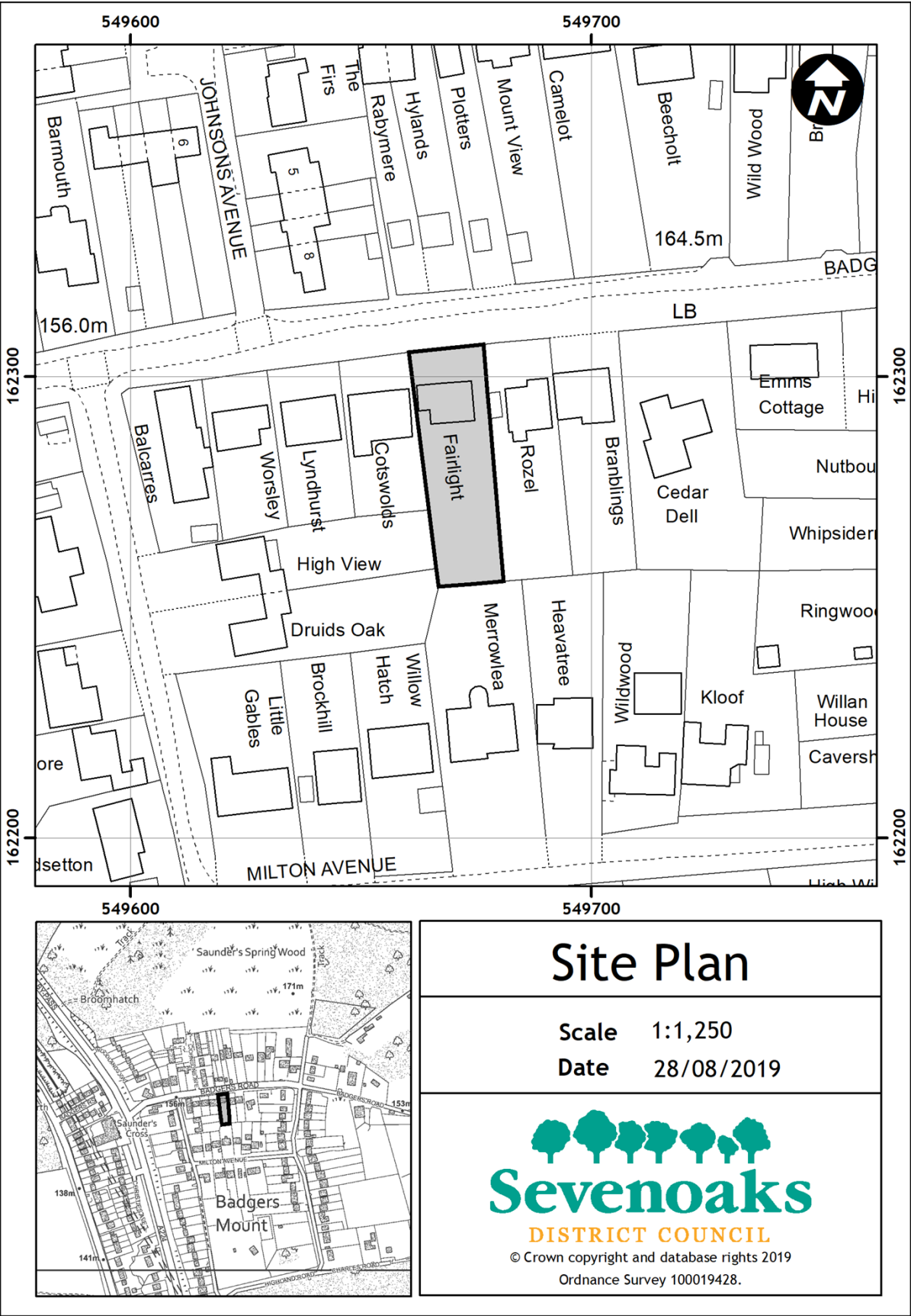
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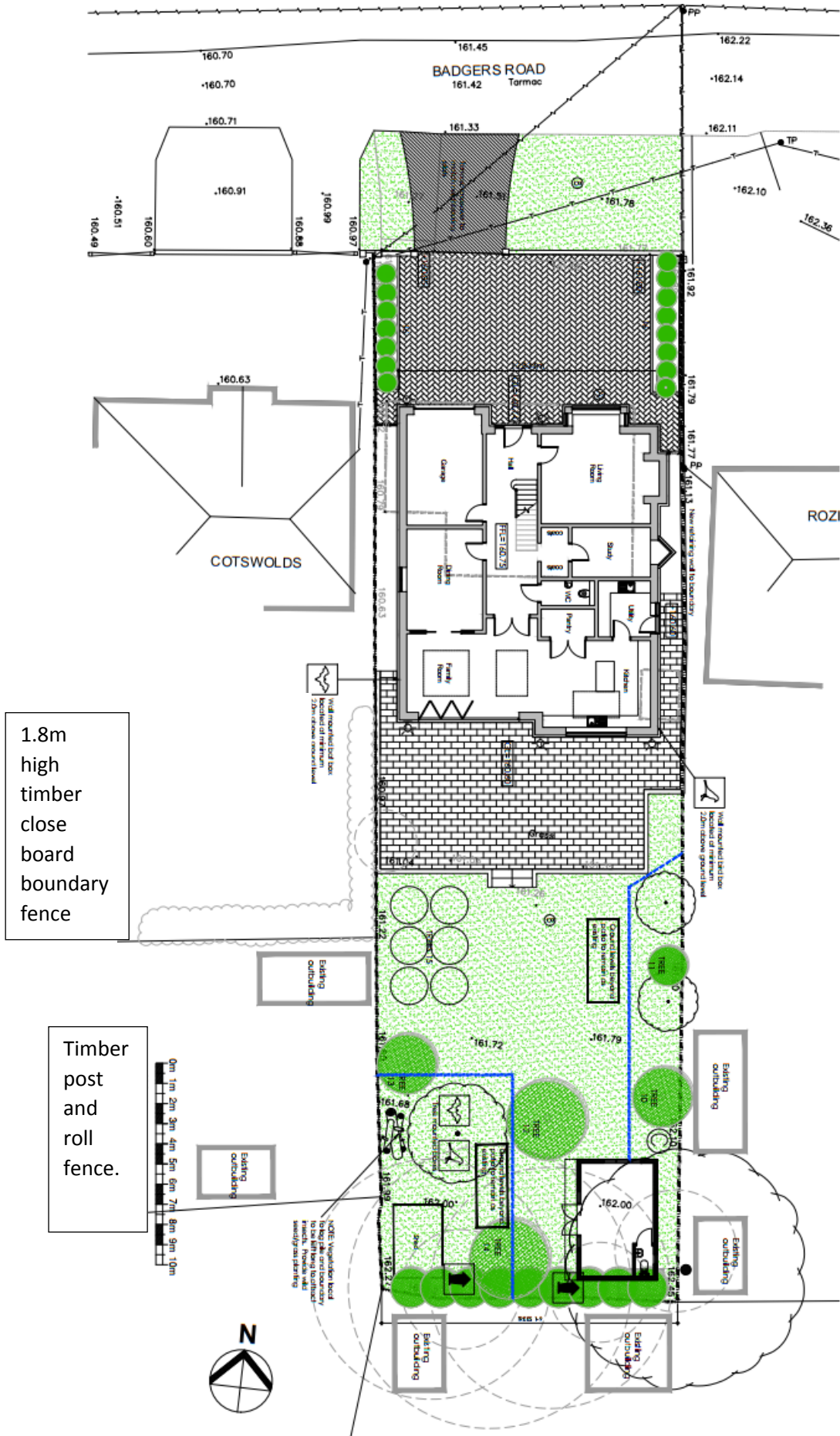
<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRT89KBKIWA00>

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Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRT89KBKIWA00>





Planning Application Information on Public Access - for applications coming to

DC Committee on Thursday 26 September 2019

4.1 19/01493/DETAIL Fairlight, Badgers Road, Badgers Mount, Kent TN14 7AZ

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRT89KBKIWA00>

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