

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 2 July 2020 commencing at 3.00 pm

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

Cllrs. Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. Ball, Firth, Hudson, Roy and Williamson

Cllrs. Osborne-Jackson, Parkin and Thornton were also present.

### ELECTION OF VICE CHAIRMAN

The Chairman took nominations for a Vice Chairman for the Development Control Committee meeting on 2 July 2020.

Resolved: That Cllr Hunter be appointed Vice Chairman of the meeting.

#### 80. Minutes

Resolved: That the Minutes of the Development Control Committee held on 11 June 2020, be signed by the Chairman as a correct record.

#### 81. Declarations of Interest or Predetermination

Councillor Cole declared that for Minute 85 - 20/00922/HOUSE Halehurst, Fawkham Green Road, Fawkham Kent DA3 8NW, he had a friendship with one of the neighbours but the application had not been discussed and remained open minded.

Councillor McGarvey declared that for Minute 83 - 20/00329/FUL Mills Family Ltd, Axel House, 3 London Road, Farningham, Kent DA4 0JP, he had been involved with discussions and would therefore speak as the local Member but would not take part in the debate or voting thereon.

#### 82. Declarations of Lobbying

There were none.

### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

## Development Control Committee - 2 July 2020

83. 20/00329/FUL - Mills Family Ltd, Axel House, 3 London Road Farningham KENT DA4 0JP

The proposal sought planning permission for the change of use from former telephone exchange B1 to place of worship D1. The application had been referred to Committee by Councillor McGarvey for reasons including: adverse impact on neighbours in a residential area; the lack of benefit to the existing community; insufficient parking provision; flawed marketing for continued office use; and unproven need.

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

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Bob McQuillan  
Parish Representatives: Cllr McGarvey  
Local Member: Cllr McGarvey

Members asked questions of clarification from the speakers and officers. Members were advised that there were conditions on the application to restrict amplified noise. It was confirmed that by the Case Officer that currently the building has unrestricted use as an office and it could be turned into a residential building. If usage of the building were to increase a variation of condition would need to be applied for.

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

Members discussed the application and considered that noise could have an impact but that there were conditions in place to preserve the amenity of nearby residents. Parking was also discussed but it was noted by Members that Kent County Council had not raised any objections.

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.

## Development Control Committee - 2 July 2020

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan; 679-02/A, 679-03.

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

- 3) The building shall be used only as a place of worship and shall not be used for any other use falling within the D1 use class of the Town and Country Planning (Use Classes) Order 1987 (as amended).

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

- 4) No more than 25 people shall attend the building at any one time.

To preserve the amenities of nearby residents and to protect highway safety, to comply with policies EN1, EN7 and T2 of the ADMP.

- 5) The building shall only be used for services carried out between the hours of 07:00 and 08:30 on Sundays and 18:15 and 20:15 on Mondays. There shall be no use of the building prior to 06:45 on Sundays and after 20:30 on Mondays or at any other times.

To preserve the amenities of nearby residents and to comply with policies EN2 and EN7 of the ADMP.

- 6) There shall be no amplified sound or amplified music generated at the site at any time.

To protect the amenities of nearby residents, to comply with policies EN2 and EN7 of the ADMP.

- 7) Prior to the first use of the building, secure cycle parking facilities shall be provided for a minimum of two cycles and these shall be maintained and available for use at all times.

To ensure that facilities are provided to encourage sustainable transport to the site, to comply with policy SP2 of the Core Strategy.

- 8) The hardstanding to the front of the building shall remain available for parking and free of obstruction at all times.

To ensure that the parking area remains available for use as such at all times and to ensure compliance with policies EN1 and T2 of the ADMP.

### Informatives

- 1) The applicant is reminded that new gates to the front of the site do not form part of this planning permission.

(Having declared an interest, Cllr McGarvey left the room during consideration of this item and did not take part in the debate or voting thereon.)

## Development Control Committee - 2 July 2020

84. 20/00266/FUL - Land To The East Of The Cottage, Badgers Road, Badgers Mount KENT TN14 7AY

The proposal sought planning permission for the erection of single storey detached 4 bedroom dwelling with basement, sedum green roof incorporating excavation of land along with secure bin, cycle storage and bio solar panels, landscaping and vehicle parking. The application had been referred to the Development Control Committee by Councillor Grint because of the unacceptable impact upon neighbouring amenity.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Alison Chase  
For the Application: Pete Hadley  
Parish Representatives: Gordon Plumb  
Local Member: Cllr Grint

Members asked questions of clarification of the officers. It was confirmed that a construction management strategy was required to be submitted to the Council before work could start, and that any development could only take place within the application site itself. Building Control legislation would also apply to relevant works.

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

Members discussed the application and it was,

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

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the materials to be used in the construction of the external surfaces of the new dwelling hereby permitted have been submitted to and approved in writing by the local

## Development Control Committee - 2 July 2020

planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

3) No development shall be carried out above the damp proof course of the hereby approved dwelling until details of the plant species, size and their frequency within the proposed green roof and a maintenance plan for the green roof shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure the proposal responds to the character of the area, consistent with Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

4) No development shall be carried out above the damp proof course of the hereby approved dwelling 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 proposed parking area will comprise of a porous material. 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 and EN5 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

5) No development, including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management 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 details of:(a) a photographic survey of Badgers Road from the junction with Highland Road and the entrance to the site;(b) the types of vehicles, their size, load size and purpose within the construction process;(c) parking for vehicles of site personnel, operatives and visitors;(d) loading and unloading of plant and materials;(e) storage of plant and materials used in constructing the development;(f) programme of works, including details of sheet piling installation and measures for traffic management;(g) provision of boundary security hoarding behind any visibility zones;(h) wheel washing facilities;(i) measures to control the

## Development Control Committee - 2 July 2020

emissions of dust and dirt during construction;(j) a scheme for the recycling/disposing of waste resulting from demolition and construction works; and (k) hours of operation.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 6) If damage occurs to the Public Right of Way byway it will be made good and reinstated back to that shown within the photographic survey approved under Condition 5 above prior to the first occupation of the new dwelling hereby permitted.

To mitigate the impact during construction relating to the safety and free flow of the Public Right of Way byway and neighbouring amenities, in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 7) Prior to occupation full details of ecological enhancements, including their location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be carried out prior to the first occupation of the development hereby approved and retained thereafter.

To ensure the biodiversity of the area is maintained, in accordance with Policy SP1 of the Core Strategy and the NPPF.

- 8) Prior to occupation of the proposed development the POD point electric car charging point as shown on drawing 3087-18-PL102 shall be installed and retained as such thereafter.

In the interests of sustainable transport and climate change in accordance with Policy SP2 of the Sevenoaks Core Strategy, Policy T3 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be carried out to the site or made to the dwelling without the grant of a further planning permission by the local planning authority.

To safeguard the character and appearance of the Kent Downs AONB landscape and to prevent inappropriate development in the Green Belt in

## Development Control Committee - 2 July 2020

accordance with Policy EN5 and GB1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Development in the Green Belt Supplementary Planning Document and the NPPF.

- 10) The development hereby permitted shall not be used or occupied until the pedestrian visibility splays of 2m by 2m have been provided and anything which obstructs visibility at any height greater than 0.9 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety.

- 11) The development hereby permitted shall be carried out in accordance with the following approved plans: 3087-18-PL101 Rev P8, PL102 Rev P8, PL103 Rev P8, PL104 Rev P10, PL105 Rev P7.

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

### Informatives

- 1) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 2) As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning

## Development Control Committee - 2 July 2020

02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-services>

- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

85. 20/00922/HOUSE - Halehurst, Fawkham Green Road, Fawkham KENT DA3 8NW



## Development Control Committee - 2 July 2020

The proposal sought planning permission for a Loft conversion with two front dormer and one rear dormer. The application had been referred to the Development Control Committee by Councillor Fothergill and Councillor Parkin on the basis that the proposed dormers would have a detrimental impact on the street scene and wider street scene, a detrimental impact to the character of the area and openness of the Green Belt and the rear dormer would create a loss of privacy and amenity to neighbouring properties 8, 9 and 10 Small Grains, all of which would fail to comply with Policy EN1 Design Principles and EN2 Amenity Protection.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

- Against the Application: -  
For the Application: -  
Parish Representatives: -  
Local Member: Cllr Parkin

Members asked questions of clarification from the officers. It was confirmed that the immediate neighbours to the application site both had dormer windows. A 60m distance was measured from the rear boundary of the application site to the boundary line of the neighbouring properties 8, 9 and 10 Small Grains.

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

Members discussed the application, 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 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 building as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

**Development Control Committee - 2 July 2020**

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1665 01 (site plan), 03, 04 and 05.

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

THE MEETING WAS CONCLUDED AT 4.48 PM

CHAIRMAN