

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 20 August 2020 commencing at 3.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Barnett, Cheeseman, Perry Cole, Coleman, P. Darrington, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Purves and Raikes

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

Cllr. London was also present.

91. Minutes

Resolved: That the Minutes of the Development Control Committee held on 23 July 2020, be signed by the Chairman as a correct record.

92. Declarations of Interest or Predetermination

Councillor Darrington declared that for Minute 94 - 20/00037/FUL - Land East of 40 Alderway, Swanley, Kent, it was in his ward but remained open minded.

93. Declarations of Lobbying

There were none.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following items and no Member reserved item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matters were considered without debate:

94. 20/00037/FUL - Land East Of 40, Alderway, Swanley, KENT

The proposal sought planning permission for the erection of 18no. 2 and 3 bedroom dwellings with new communal open space and refurbished existing open space area including a children's playground adjacent to Alder Way. The application had been referred to the Committee because the applicant was Sevenoaks District Council.

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.

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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: A983-02A-PL-001/A, A983-PL-102/K, A983-02A-PL-103, A983-02A-PL-110/C, 111/C, 112/A, 113, 120, 121, 122, 123, 130, 131, 132, 133, HED.1362.001, HED.1362.002/A.

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

- 3) No development shall commence until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority, demonstrating the delivery of 7 affordable homes on the site. The affordable housing shall be provided in accordance with the approved scheme and the provision shall meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework 2019 or any future guidance that replaces it. The scheme shall include: i) type and tenure of the affordable housing provision to be made, and ii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

To ensure the delivery of affordable housing on the site, to comply with policy SP3 of the Core Strategy.

- 4) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following: i) routing of construction and delivery vehicles to and from the site; ii) parking and turning areas for construction and delivery vehicles and site personnel; iii) timing of deliveries; iv) provision of wheel washing facilities; v) temporary traffic management signage. The development shall be carried out only in accordance with the approved details.

To preserve highway and pedestrian safety, to comply with policy EN1 of the ADMP.

- 5) No development shall commence until a scheme for the control of noise, vibration and dust during the construction period has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out only in accordance with the approved details.

To protect the amenities of nearby residential properties and to comply with policies EN2 and EN7 of the ADMP.

- 1) Prior to the first occupation of any part of the development, all roads, parking areas, turning areas and pedestrian footpaths, shall be installed in accordance with plan A983-PL-102/K. All works shall be completed to adoptable standards. All parking spaces and turning areas shall remain available as such as at all times.

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To ensure the provision of safe access and adequate parking, to preserve highway and pedestrian safety and to comply with policies T2 and EN1 of the ADMP.

- 2) Prior to the commencement of works on any parking areas, details of a scheme to provide access to electrical charging points across the development shall be submitted to and approved in writing by the Local Planning Authority. Those details shall demonstrate that, as a minimum, a "passive" provision (i.e ducting/ wiring) shall be made to all parking areas. The development shall be completed only in accordance with the approved details.

To ensure opportunities are delivered for the use of sustainable vehicles, to comply with policy T3 of the ADMP.

- 3) Prior to the first occupation of any residential unit, details of the allocation of parking spaces and the provision of cycle parking facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

To ensure the development promotes sustainable transport, to comply with policy SP2 of the Core Strategy.

- 4) Prior to the first occupation of any part of the development, visibility splays of 43m x 2.4m x 43m shall be provided at the junction of the access road with Alder Way. Those visibility splays shall be maintained at all times.

To preserve highway safety, to comply with policy EN1 of the ADMP.

- 5) Prior to the first occupation of any part of the development, details of external lighting across the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include lighting to the parking areas to the rear of Units 1- 3; the side of Unit 7; the rear of Units 9- 11 and behind Units 13 and 14 (as annotated on plan A983-PL-102/K). The lighting shall be appropriately designed to preserve bat activity and also enhance public safety, and shall only be installed in accordance with the details approved. Lighting adjacent to the public right of way and within the parking areas shall be installed in full, prior to the use of those areas.

To preserve pedestrian safety, to comply with policies EN1 of the ADMP and to preserve bat movements across the site, to comply with SP11 of the Core Strategy.

- 6) Prior to commencement of the development above the damp proof course, a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall

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demonstrate that the scheme has been developed in consultation with Kent Police. The measures so approved shall be implemented in full prior to the occupation of the development and shall be retained.

To ensure the development creates a safe and secure environment in accordance with policy EN1 of the ADMP.

- 7) Prior to the commencement of development associated with the playground, full details of all hard landscaping, including hard surfaces, boundaries and full details of the equipment to be installed, along with a scheme for its maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a column capable of accommodating lighting and CCTV. The development shall be carried out only in accordance with the approved details and the playground shall be available for use prior to the first occupation of any part of the development.

To secure delivery of the play space, to ensure it complements the character and appearance of the area and provides a safe facility, to comply with policies EN1, EN2 and GI2 of the ADMP and SP10 of the Core Strategy.

- 8) Prior to the first occupation of any part of the development, the public right of way shall be completed in accordance with the approved plans and details.

To ensure the public right of way is delivered and to enhance pedestrian movements and links to the neighbouring open space, to comply with policy EN1 of the ADMP.

- 9) Prior to the first occupation of any part of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) details of all boundary treatments across the site, including details of a boundary between the parking area and public right of way in front of Units 16 and 17 (as annotated on plan A983-PL-102/K) and all boundary treatments adjoining the public right of way; b) a motorcycle barrier to the public right of way close to the northern site boundary. The development shall be completed in accordance with these details.

To preserve residential amenity and to protect public safety on the public right of way, to comply with policies EN1 and EN2 of the ADMP.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted) (England) Order 2015 as amended (or any Order revoking or re-enacting or amending that Order), planning permission shall be required for any alterations to boundary treatments across the site falling under Schedule 2, Part 2, Class A of that Order.

To preserve residential amenity and to protect public safety on the public right of way, to comply with policies EN1 and EN2 of the ADMP.

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- 11) Prior to the commencement of any development above the damp proof course of any new dwelling, details including samples of the facing materials to be used in the construction of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

- 12) The first floor window in the side elevation of 'Unit 1' (as annotated on drawing A983-PL-102/K) shall be obscure glazed and fixed shut unless the opening parts of the window are more than 1.7m above the internal floor level of the room it serves. The window shall be so maintained.

To preserve the privacy of the adjoining properties, to comply with policy EN2 of the ADMP.

- 13) Prior to the first occupation of any new dwelling, a scheme for the maintenance and management of the public areas of hard and soft landscaping on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with those approved details.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

- 14) The soft landscaping scheme demonstrated on plan HED.1362.001 shall be carried out in its entirety not later than the first planting season following the first occupation of any part of the development.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

- 15) If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species unless otherwise approved in writing by the Local Planning Authority.

To ensure the development preserves the character and appearance of the area, to comply with policy EN1 of the ADMP.

- 16) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include the recommendations within section 4.10 of the Preliminary Ecological Appraisal (KB Ecology August 2018). The approved details will be implemented prior to the first occupation of the development.

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

- 17) No development shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Design Report dated April 2020 by EAS and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, controlled waters or ground stability; ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on or off site flooding, to comply with policy SP2 of the Core Strategy and the NPPF.

- 18) Prior to the first occupation of any residential unit, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall be submitted to and approved by the Local Planning Authority. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. The surface water drainage system shall be maintained in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on or off site flooding, to comply with policy SP2 of the Core Strategy and the NPPF.

- 19) A) Prior to the commencement of development, an intrusive site investigation in respect of potential land contamination and a remediation strategy (if necessary) shall be submitted to and approved in writing by the Local Planning Authority. B) If identified as necessary by part A then all approved remediation works shall be carried out in full and a validation report demonstrating completion of the remediation works shall be submitted to and approved in writing by the Local

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Planning Authority prior to the first occupation of any part of the development. If unexpected contamination is found after development has begun, development shall be halted on the part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until appropriate remediation has been undertaken.

To ensure the development is safe for future users, to comply with policy EN2 and the NPPF.

- 20) No development shall take place until details of the existing levels of the land and proposed slab levels and any changes in levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

In order to understand the final ground levels and to comply with policies EN1 and EN2 of the ADMP.

Informatives

- 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.
- 2) 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 contact the Public Right of Way Officer at Kent County Council before commencing any works that may affect the Public Right of Way.
- 3) The applicant is reminded that they will require the separate consent of the Highway Authority for any works involving construction works within the existing public highway. 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.
- 4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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- 5) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6) In respect of conditions relating to soakaways, the applicant is advised to follow the guidance of The Environment Agency in respect of groundwater protection. The design of drainage systems should be in line with G1, G9, G12 and G13 position statements, available on The Environment Agency website.
- 7) The applicant is advised to have regard to the recommendations of Kent Police in their comments to this planning application dated 5th February 2020 when considering boundary treatments across the site.

CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman brought forward consideration of the Tree Preservation Order.

TREE PRESERVATION ORDER

95. Objection to Tree Preservation Order (TPO) 1 of 2020 - To the front of Aston House and Woodys, Highland Road, Badgers Mount,

The Arboricultural and Landscape Officer brought Members' attention to the main agenda papers. TPO 1 of 2020 had been served to protect a large mature Oak tree. An objection was received with claims that the tree was of limited amenity value and was decaying as a result of deep foundations in the development of Badgers Oak. However, as the tree was visible from Memorial Hall and a Public Right of Way, it would have detrimental impact on the local amenity. It was also not considered to be in decline at the time of the serving of the order.

Resolved: That TPO 1 of 2020 be confirmed without amendment.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning application:

96. 20/01339/HOUSE - Glenray, 2 Obelisk Wood, Chipstead Lane, Sevenoaks, KENT, TN13 2AL

The proposal sought planning permission to demolish the garage and single storey side and rear extensions and erect a two storey rear extension with a single storey side and rear extension with roof lights along with alterations to parking. The application had been called to the Committee by Councillor London on the basis that the development would result in overshadowing and loss of light and overdevelopment of the site.

Members' attention was brought to the main agenda papers.

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The Committee was addressed by the following speakers:

Against the Application: Jennifer Meredith

For the Application:

Parish Representatives: Cllr Andy Clark

Local Member: Cllr London

Members asked questions of clarification from the speakers and officers.

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

Members discussed the application.

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 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.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 20/1460/02A and site plan.

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

- 4) The ground floor and first floor windows on the west elevation of the property shall be fixed shut and obscure glazed at all times and shall be maintained as such thereafter.

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

THE MEETING WAS CONCLUDED AT 3.33 PM

CHAIRMAN