

DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the meeting held on 28 September 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Harrison, Hogarth, Malone, Manston, Silander, Skinner, Varley and Williams.

Apologies for absence were received from Cllrs. Esler, Hudson and Purves.

Cllr. Waterton was also present.

25. Minutes

Resolved: That the Minutes of the Development Management Committee held on 17 August 2023, be approved and signed by the Chairman as a correct record.

26. Declarations of Interest or Predetermination

There were none.

27. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 29 - 23/01890/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent and Minute 30 - 23/01891/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent.

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:

28. 23/02074/CONVAR - Tony's Corner Shop, 18 Cedar Drive, Edenbridge Kent TN8 5JL

The proposal sought planning permission for variation of condition 2 (materials), 3 (hard and soft landscaping), 5 (electric car charging points) and 16 (plan numbers) of 22/02353/MMA related to 21/02825/FUL for creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and

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associated landscaping improvements and creation of temporary shop with amendment to drawings to pick up minor changes to parking layouts, landscaping and elevations. The application had been referred to the Committee as the applicant was Sevenoaks District Council.

The Chairman drew Members attention to the main agenda papers and late observations sheet which did not amend the recommendation. It was moved by the Chairman that the recommendations within the report, be agreed.

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 the time limit imposed on application SE/21/02825/FUL

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

- 2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120-F, A983-01B-PL-121-E, A983-01C-PL-120-E, A983-01C-PL-121-E, A983-01F-PL-120-D, A983-01F-PL-121-D.

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 hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: 6337-LLB-ZZ-E10-DR-L-0001-S4-P03, 6337-LLB-ZZ-E11-DR-L-0001-S4-P01, 6337-LLB-ZZ-E6-DR-L-0001-S4-P02, 6337-LLB-ZZ-E3-DR-L-0001-S4-P01, 6337-LLB-ZZ-E7-DR-L-0001-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0001-S4-P02, 6337-LLB-ZZ-E10-DR-L-0002-S4-P03, 6337-LLB-ZZ-E11-DR-L-0002-S4-P01, 6337-LLB-ZZ-E3-DR-L-0002-S4-P01, 6337-LLB-ZZ-E6-DR-L-0002-S4-P02, 6337-LLB-ZZ-E7-DR-L-0002-S4-P01, 6337-LLB-ZZ-ZZ-DR-L-0002-S4-P02.

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.

- 4) 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,

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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 the 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) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102-E and A983-01F-PL-102-E.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

- 7) Prior to the use of the sites commencing, pedestrian visibility splays of 2 metres x 2 metres shall be provided and maintained behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

In the interests of Highways safety.

- 8) The development shall be carried out in accordance with the approved construction management plan (rev 2), prepared by BBS Construction Ltd and dated 14/07/2022, unless otherwise agreed in writing by the Local Planning Authority.

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 Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details

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contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

- 10) The development shall be carried out in accordance with the approved drainage scheme, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be implemented in accordance with the approved details: Drainage calculations dated August 2022, revision P01; 4779-CON-00-XX-DR-C-1532-P01; 4779-CON-00-XX-DR-C-1531-P01; 4779-CON-00-XX-DR-C-1530-P01; 4779-CON-00-XX-DR-C-1516-P01; 4779-CON-00-XX-DR-C-1514-P01; 4779-CON-00-XX-DR-C-1518-P01; 4779-CON-00-XX-DR-C-1513-P01; 4779-CON-00-XX-DR-C-1517-P01; 4779-CON-00-XX-DR-C-1512-P01; 4779-CON-00-XX-DR-C-1515-P01; 4779-CON-00-XX-DR-C-1511-P01; 4779-CON-00-XX-DR-C-1510-P01; 4779-CON-00-XX-DR-C-1400-P01.

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/off site flooding.

- 11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. 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.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 12) The development shall take place in accordance with the approved Arboricultural Method Statement, prepared by Temple Group Ltd and dated 26 May 2022, unless otherwise agreed in writing by the local planning authority.

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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.

- 13) The development shall take place in accordance with the approved details of the implementation and phasing plan, prepared by BBS Construction Ltd and dated 31st May 2022, unless otherwise agreed in writing by the local planning authority.

To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 15) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 16) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-D, A983-01F-PL-102-E, A983-01A-PL-102-F, A983-01B-PL-102-E, A983-01C-PL-102-F, A983-01F-PL-130-E, A983-01F-PL-121-D, A983-01F-PL-120-D, A983-01F-PL-111-D, A983-01F-PL-110-C, A983-01C-PL-121-E, A983-01C-PL-120-E, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-E, A983-01B-PL-120-F, A983-01B-PL-112-C, A983-01B-PL-110-F, A983-01E-PL-102-D, A983-01F-PL-131-B, A983-01G-PL-102-D.

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

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

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29. 23/01890/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent

The proposal sought planning permission for a storage container for domestic use and extension to existing permitted stable building for use as dog kennels. The application had been referred to the Committee by Cllr. Waterton on the grounds that the very special circumstances outweighed the harm to the Green Belt.

Members' attention was brought to the main agenda papers. The Case Officer also advised that the application was retrospective.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Alan Bloor
Parish Representative:	-
Local Members:	Cllr. Waterton

Members asked questions of clarification from the speakers and officers which focused on storage provision and the built form of the proposed extension. Members were advised that the storage container had been on the site since 2019 and without the storage container, its contents would be stored outside.

It was moved by the Chairman that the recommendation to refuse planning permission within the report, be agreed. Members discussed the application giving consideration to the storage provision, the built form of the proposals, and the impact on the green belt.

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

Resolved: That planning permission be refused as the proposed development by way of inappropriateness would result in harm to the Green Belt, this harm in accordance with the National Planning Policy Framework must be afforded substantial weight. The stable extension is disproportionate to the size of the original building. The case of very special circumstances does not clearly outweigh the harm identified. The development is therefore contrary to policy GB8 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

30. 23/01891/FUL - Land At Robinsons Nursery, Goldsel Road, Swanley Kent

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The proposal sought planning permission for the erection of a stable barn containing four foaling boxes, stocks, tack room and hay store. The application had been referred to the Committee by Cllr. Waterton on the grounds that the proposals had addressed the reasons for refusal of the last application and appeal.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation. The Case Officer explained that guidance from the British Horse Society was set out in the late observations to provide additional clarification.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Alan Bloor
Parish Representative:	-
Local Members:	Cllr. Waterton

Members asked questions of clarification from the speakers and officers with particular focus on the bulk and scale of the development and very special circumstances. The application proposed a reduction in size from the previously refused scheme and additional information for the case of very special circumstances had been submitted.

It was moved by the Chairman that the recommendation to refuse planning permission within the report, be agreed. Members discussed the application giving consideration to the bulk and scale of the proposals and whether the very special circumstances outweighed the harm to the green belt. Members further considered that the proposed development would provide shelter for foaling and unwell horses and highlighted the animal welfare benefits. Members also noted the benefits of the development to the business and the rural economy.

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

It was moved by the Chairman that planning permission be granted on the grounds that, the very special circumstances clearly outweighed the harm to the green belt and that delegated authority be granted to the Deputy Chief Executive and Chief Officer – Planning & Regulatory Services to draft planning conditions, following consultation with the Local Ward Member and Chairman of the Development Management Committee.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to conditions covering issues of time period, plans, external materials, restrict use only to isolation

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foaling horses and/or unwell horses, external lighting and waste disposal, and the Deputy Chief Executive and Chief Officer – Planning & Regulatory Services be delegated the precise wording following consultation with the Local Ward Member and Chairman of the Development Management Committee.

THE MEETING WAS CONCLUDED AT 8.08 PM

CHAIRMAN