

## **DEVELOPMENT CONTROL COMMITTEE**

### **Minutes of the meeting of the Development Control Committee held on 22 September 2011 commencing at 7.00 pm**

Present: Cllr. Mrs A Dawson (Chairman)

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. P Cooke, Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Thornton, Cllr. J Underwood and Cllr. R Walshe

Apologies for absence were received from. Cllr. J Scholey

Cllr. L Ayres, Cllr Mrs J Davison, Cllr. Mrs A Firth, Cllr. P Fleming, Cllr. J Grint, Cllr. R Hogarth and Cllr. S Raikes were also present.

#### 28. **MINUTES**

Cllr. Clark stated that on item 5.01 the reference to nearby facilities should refer to Meopham and not Longfield.

Resolved: That the minutes of the meeting of the Development Control Committee held on 25 August 2011, as amended, be approved and signed by the Chairman as a correct record.

#### 29. **DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllr. Brown declared a personal and prejudicial interest in item 5.02 SE/11/01125/FUL: Land Adjacent, 1 Plymouth Drive, Sevenoaks as a local resident of Plymouth Drive. He withdrew from the room for the rest of the item after he had spoken to it.

Cllrs. Mrs. Dawson and Piper declared personal interests in items 5.02 SE/11/01125/FUL: Land Adjacent, 1 Plymouth Drive, Sevenoaks and 5.04 SE/11/01594/FUL: 41 Buckhurst Avenue, Sevenoaks as dual hatted members of both the District Council and Sevenoaks Town Council. Cllr. Piper also knew the applicant of item 5.02.

Cllr. Ms. Lowe declared a personal interest in item 5.06 SE/11/01268/FUL: Land at Old Parsonage House, High Street, Farningham as her partner, Kent County Councillor Gough had written in support of the application. She had not discussed the matter with him.

Cllr. McGarvey declared a personal and prejudicial interest in item 5.06 SE/11/01268/FUL: Land at Old Parsonage House, High Street, Farningham as a Member of the Parish Council and an elected member of the Parochial Church Council of St. Peter's and St. Paul's Church, Farningham. The Parish Council and the Church Council had financial interests in the land as potential recipients of a gift of the proposed community room. He withdrew from the room after he had spoken to the item.

Cllr. Williamson declared personal interests in item 5.03 SE/11/01510/FUL: Station Court, Sevenoaks Road, Halstead from prior knowledge of the applicants.

30. **DECLARATIONS OF LOBBYING**

All Members of the Committee declared that they had been lobbied in respect of item 5.01 - SE/11/01311/FUL: Foxwood House, Phillippines Shaw, Ide Hill.

Cllr. Mrs. Dawson declared she had also been lobbied in respect of 5.02 SE/11/01125/FUL: Land Adjacent, 1 Plymouth Drive, Sevenoaks

Cllr. Dickins declared he had also been lobbied in respect of 5.06 SE/11/01268/FUL: Land at Old Parsonage House, High Street, Farningham

Cllr. Mrs. Parkin declared she had also been lobbied in respect of 5.06 SE/11/01268/FUL: Land at Old Parsonage House, High Street, Farningham

31. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up-to-date information available.

32. **ORDER OF THE AGENDA**

The Chairman indicated that, with the approval of Members, she would deal first with planning application item 5.04 because no public speakers were expected.

33. **PLANNING APPLICATIONS**

The Committee considered the following planning applications:

**5.04 – SE/11/01594/FUL: 41 Buckhurst Avenue, SEVENOAKS TN13 1LZ**

The report advised that the proposal was for the erection of rear roof terrace serving second floor located within an existing parapet to the rear (south) and western flank of the application site.

Officers stated that the proposal would respect the context of the site and would not have an unacceptable impact on the street scene. Any potentially significant impacts on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions recommended.

It was noted that a Members Site Inspection had been held for this application.

It was MOVED and duly seconded that the recommendation in the report be adopted. Upon being put to the vote the motion was CARRIED.

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of 3 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 on the land until a sample of the material to be used in the construction of the opaque polycarbonate screen hereby permitted has been submitted to, and approved in writing by the Council. The development shall be carried out using the approved material.

To ensure that the appearance of the development is in harmony with the existing character of the locality as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Prior to the first use of the terrace hereby approved, the screen approved under Condition 2 of this permission shall be erected. The approved screen shall remain in situ in perpetuity thereafter.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Existing Block Plan, Proposed Block Plan, Design and Access Statement, Drawing No. 010, received 22.06.11 and 23.06.11.

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

5.01 - SE/11/01311/FUL: Foxwood House, Phillipines Shaw, IDE HILL TN14 6AF

The report advised that the proposal sought consent for a single storey side extension to the north elevation. The extension would provide for further garage space and seating area to the rear.

Officers stated that it was one of 8 detached dwellings in the complex. The garage would have a floor space of 96sqm. It would take advantage of the sloping land with a cutting down to a maximum of 1m.

It was noted that a Members Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: James Cooper  
Parish Representative: Cllr. Hocknell  
Local Member: Cllr. Mrs. Firth

Officers informed the Committee that past planning applications in the complex had been granted on appeal. This included 2 garages and an orangery. They suggested there were few differences in principle between the applications.

The Local Member, who referred the matter to Committee, was concerned that this was an inconsistent application of policy. He noted the comments of the Local Member speaker that the complex had already taken advantage of an increase in size when it was first approved.

The application was larger than the applications for garages (65sqm) or an orangery (35sqm). Members were concerned that the present application was less modest or bulky than those were.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

6 votes in favour of the motion

10 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED the Vice-Chairman and duly seconded:

“That planning permission be REFUSED for the following reason:

The proposed extension in combination with previous development at Phillippines Shaw represents a disproportionate increase in the scale of development at the site contrary to Green Belt policy as set out in PPG2.”

The motion was put to the vote and there voted –

10 votes in favour of the motion

5 votes against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposed extension in combination with previous development at Phillippines Shaw represents a disproportionate increase in the scale of development at the site contrary to Green Belt policy as set out in PPG2.

5.02 – SE/11/01125/FUL: Land Adjacent, 1 Plymouth Drive, SEVENOAKS TN13 3RW

The Officer advised that the proposal was for the erection of a detached dwelling with 4 bedrooms that will comprise a t-shape with an integrated single storey garage projection to the front.

The proposal would respect the context of the site, would not have an unacceptable impact on the street scene and would not have an unacceptable impact on the residential amenities of nearby dwellings. The site was within the built confines of the settlement where there was no objection to the principle of the proposed development.

It was noted that a Members Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	Roland Courtney
For the Application:	Adrian Bussetil
Parish Representative:	Cllr. Hogarth
Local Member:	Cllrs. Fleming and Raikes

Cllr. Brown also addressed the Committee, as a member of the public.

Officers confirmed that this application was a similar size at ground level to the previous application on the site, but was smaller at the first floor.

The Committee noted the comments of the Local Members that objections had been received against this particular application. Local residents had not opposed all development in the area on principle.

Members were concerned at the overbearing nature of the development as from 1 and 3 Plymouth Park. They also believed that it would have a significant effect on the current streetscene on that side of the road.

It was then MOVED the Vice-Chairman and duly seconded:

“That planning permission be REFUSED for the following reason:

- 1) The proposal would harm the character and appearance of the street scene due to the cramped form of development and the scale and bulk of the proposal. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.
- 2) The proposal would result in an overbearing form of development which would be detrimental to the residential amenities currently enjoyed by the neighbouring residents at 1 Plymouth Drive and 1 Plymouth Park. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.

- 3) The proposal would create an undesirable form of development which would harm the outlook enjoyed by the occupants of 1 Plymouth Drive and 1 and 3 Plymouth Park due to the proximity of the proposal to the site boundaries and the difference in land level of the application site and those properties within Plymouth Park. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.”

Upon being put to the vote the motion was CARRIED unanimously.

Resolved: That planning permission be REFUSED for the following reason:

- 1) The proposal would harm the character and appearance of the street scene due to the cramped form of development and the scale and bulk of the proposal. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.
- 2) The proposal would result in an overbearing form of development which would be detrimental to the residential amenities currently enjoyed by the neighbouring residents at 1 Plymouth Drive and 1 Plymouth Park. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.
- 3) The proposal would create an undesirable form of development which would harm the outlook enjoyed by the occupants of 1 Plymouth Drive and 1 and 3 Plymouth Park due to the proximity of the proposal to the site boundaries and the difference in land level of the application site and those properties within Plymouth Park. This conflicts with Policy EN1 of the Sevenoaks District Local Plan.

At 8.50 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.00 p.m.

#### 5.03 – SE/11/01510/FUL: Station Court, Sevenoaks Road, HALSTEAD TN14 7HR

The report advised that the proposal was for consent for the permanent use of the land for a gypsy and traveller caravan site. The proposed scheme would provide three static mobile homes and 4 touring caravans with three amenity buildings. The amenity buildings were not those currently on site.

Very special circumstances exceptionally outweighed any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt. This was because the applicants fell within the definition of Gypsies and Travellers in Planning Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites and there was a clear and immediate need for accommodation within Sevenoaks District with a backlog of unmet need as established by the Gypsy and Traveller Accommodation Assessment. A temporary permission for 3 years would not result in a permanent adverse impact on the openness and character of the Green Belt.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Michael Cox

Parish Representative: Cllr. Taylor

Local Member: Cllr. Grint

Officers confirmed that if the application were refused the Council had no other sites to offer to them. The applicants had contacted Kent County Council (KCC) in January 2011 for a place on public sites however it now arose that KCC had failed to send them an application form. The applicants believed they were on the application list. KCC did not currently have vacancies.

Officers clarified that the 3 year temporary condition was not unusual and Planning Circular 01/2006 suggested such a condition could be appropriate where there was unmet demand for sites. The applicant had been warned of this condition. Several Members noted that the recommendation was similar to decisions in their own wards.

It was MOVED and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

13 votes in favour of the motion

3 votes against the motion

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) This planning permission is granted for a temporary period of 3 years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants and whilst they comply with the definition of gypsies and travellers set out in paragraph 15 of ODPM Circular 01/2006. When the land ceases to be used by Mr Robert Simmons and his wife Helena (Breda), Jamie Simmons and his wife, Alex, Myles Simmons and his wife, Margaret, Patrick Simmons and his wife, Jemma, Bobby Simmons and Bridget Murphy and their resident dependants, or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted

shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) No more than 7 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

4) No commercial activities shall take place on the land, including the storage of materials, other than the display of and sale of Christmas Trees in December each year for the duration of this permission.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) No building, enclosure or temporary structures other than those shown on the approved block plan MCA-2 received on 13th June 2011 shall be erected or placed on the site.

To preserve the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

6) Upon substantial completion of the utility blocks approved, all existing sheds, utility structures and moveable utility structures shall be removed from the site. No structures, other than those shown on the approved block plan shall be provided on site at any time.

To prevent inappropriate development in the Green Belt as supported by PPG2.

5.05 – SE/11/01422/REM: 167 Hever Avenue, WEST KINGSDOWN TN15 6DU

The Committee was informed that the item had been withdrawn from the agenda at the request of Cllrs. Bosley and Mrs. Bosley. The Officers had been given delegated authority to determine the application.

5.06 – SE/11/01268/FUL: Land at Old Parsonage House, High Street, FARNINGHAM DA4 0DG

The report advised that the proposal was for the demolition of buildings on site to be replaced with a scheme of 4 detached houses and garages. At the front of the garage block for plots 3 and 4 would be a single room allocated as a Sunday school for the village.



The proposal was considered acceptable in terms of its impact upon the nearby listed buildings and the character and appearance of the surrounding conservation area. Its impact upon the adjacent green belt would be acceptable: not being unduly dominant or visually intrusive. Overall it was considered that the new scheme would be an improvement in visual and operational terms for the nearest residents at The Old Parsonage compared to the current business.

Officers stated that the value of the community room was approximate to the contribution which would have been made to affordable housing. There was policy support for either proposition but Officers' preference was for contributions which could help the district as a whole.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Andrew Fryatt
Parish Representative:	Cllr. Meachin
Local Member:	-

Cllr. McGarvey also addressed the Committee, as a member of the public.

Officers confirmed that an exception had been made to convert from commercial to residential use because of the particular qualities of this case.

Members noted the comment by the architect that it was unlikely both the community room and contributions for affordable housing could be paid for.

Several Members agreed that flexibility from the Affordable Housing policy was needed in this case because of the unique opportunity to assist the community.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report be adopted. The motion was put to the vote and there voted –

3 votes in favour of the motion

9 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That permission to be granted subject to a legal agreement to secure the provision of the community room and appropriate conditions. Wording to be agreed with the Chairman.”

The motion was put to the vote and there voted –

10 votes in favour of the motion

0 votes against the motion

Resolved: That planning permission be GRANTED subject to a legal agreement to secure the provision of the community room and appropriate conditions. Wording to be agreed with the Chairman.

THE MEETING WAS CONCLUDED AT 10.12 PM

CHAIRMAN