

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 8 August 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winser, Gaywood, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Cooke and McGarvey

Cllrs. Ayres, Davison, Fleming, Mrs. Hunter and Raikes were also present.

The Chairman announced that the meeting would not start until 7.05pm in order to allow Members additional time to consider the Late Observation papers tabled by Officers.

### 35. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 17 July 2013 be approved and signed by the Chairman as a correct record.

### 36. Declarations of Interest or Predetermination

Cllr. Walshe clarified that he did live in the same road as item 4.3 - SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE. However he did not live within sight of the application site. He would not vote on the matter.

### 37. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ, 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB and 4.3 - SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE.

Cllrs. Mrs. Dawson, Dickins and Walshe further declared that they had been lobbied in respect of item 4.4 - SE/13/00481/FUL - New Beacon School, Brittain's Lane, Sevenoaks TN13 2PB.

### 38. Order of the Agenda

The Chairman explained that, with the agreement of the Members, the order of the agenda would be amended in order that items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ and 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB could be considered at the same time. Each was an application for an out of town centre food

## Development Control Committee - 8 August 2013

store in Edenbridge and the existence of the other scheme was relevant to the consideration of both applications. Item 4.1 would be introduced by Officers, who would be followed by the public speakers and questions. The same process would then be carried out for item 4.2. A debate would then be held and a decision made on item 4.1 followed by the same on item 4.2.

### Reserved Planning Applications

The Committee considered the following planning applications:

#### 39. SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ

The proposal was for the demolition of existing buildings on site and the erection of a food store and petrol filling station. The proposed store would provide 5,016 sqm Gross Internal Area with a split of 70% of the floorspace for the sale of convenience goods and 30% for the sale of comparison goods.

The store would be positioned to the rear of the site with the store frontage facing Station Road and the service yard would be to the rear, accessed from Fircroft Way. A new four arm access roundabout was proposed at the existing T-Junction at Station Road and Fircroft Way. The store would be served by 295 car parking spaces, 21 cycle parking spaces and 6 motorcycle bays.

There were 6 buildings on site consisting of 23 units: 8 units vacant; 3 B1 use; 1 retail; 3 vehicle repair units; and the remaining 10 had B8 and B2 uses. The site had been allocated as protected employment land.

132 Full Time Equivalent (FTE) jobs would be created from the proposals, compared with 78 FTE jobs on site at present and 96 FTE jobs which could be provided through upkeep and letting of the existing buildings.

The report outlined that the scheme resulted in an unacceptable loss of protected employment land and would have a detrimental impact on the vitality and viability of the town centre. In isolation the scheme was considered to be "just on the edge of" acceptability.

The cumulative impact of this and application SE/13/00935/FUL would be unacceptable in terms of impact on the town centre. As such, only one of the schemes could be permitted. In planning policy terms, the present application was unacceptable as it used more employment land.

The Officer displayed photographs of the site and described the elevations of the proposed building.

The Committee was addressed by the following speakers:

Against the Application:	Sam Saltie
For the Application:	Peter Kingham
Parish Representative:	Cllr. Davison
Local Member:	-

## Development Control Committee - 8 August 2013

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

In response to a question Officers clarified that reason 1 for the refusal should refer to application SE/13/00935/FUL only being recommended as it had not been granted.

The GVA consultant confirmed that the company had acted for many supermarkets in the past. He could not recall acting for Sainsbury's but the company was acting for Tesco in Dartford. The company had not advised either of the relevant applicants regarding Edenbridge. The GVA consultant had provided advice to the Council over the past 10 years.

The Kent Highways Officer confirmed the proposed development was on bus routes. Southdown Buses had been consulted on possibly rerouting buses to service any development from application SE/13/00935/FUL but they were not prepared to divert the existing bus routes to that proposed development.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report be adopted:

That planning permission be REFUSED for the following reasons:-

The capacity for out of centre retail provision would be met through the planning permission granted at land north west of the junction with St Johns Way, Station Road under SE/13/00935/FUL. In the absence of capacity for any further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal is considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF

The proposal would result in the loss of an unacceptable level of employment land contrary to policies EP8 and EB1 of the Local Plan, SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

The Committee considered the report from GVA that the present application could result in a 26.5% reduction in turnover for Edenbridge High Street, compared with a reduction of 11.7% resulting from application SE/13/00935/FUL. There was some concern that GVA had acted for the applicants of the other item elsewhere in the County.

Some Members commented on the significant detrimental impact supermarkets had upon the viability of high street shops elsewhere in the District. In those cases the supermarkets had reneged on initial promises concerning the types of good sold and the timing of delivery vehicles. Although the Edenbridge Chamber of Commerce supported the proposals it was suggested the application may not help the town centre of Edenbridge in becoming a destination retail area.

Members noted the strong public support in favour of the application. It would provide some goods and services, such as clothing and petrol, which were not well provided by existing retail in Edenbridge. 50% of Edenbridge residents shopped outside of the town for their principal food shopping. Edenbridge already had medium and small sized food shops which would be replicated by application SE/13/00935/FUL. The present

## Development Control Committee - 8 August 2013

proposal was more suited to the town's needs. It was also felt that a large shop could draw customers back to Edenbridge and act as a draw from neighbouring rural areas.

It was noted the applicant had offered to sign a legal agreement not to sell certain goods and services currently found in Edenbridge High Street, such as a post office or chemist.

The Local Member on the Committee advised that arrangements had been made for all jobs currently provided on the site to be relocated elsewhere in Edenbridge. She added that the application would promote a dynamic economy and there were no objections from statutory consultees. There was sequentially no superior site in Edenbridge town centre and the harm done would principally be to the two larger food stores who could resist the competition.

Members voiced support for the proposal as it would provide more FTE posts than the existing use. It was considered that the proposal would have less of a detrimental impact upon the amenity of nearby residents than application SE/13/00935/FUL.

The motion was put to the vote and there voted –

8 votes in favour of the motion

9 votes against the motion

(Cllr. Mrs. Davison voted against the motion).

The Chairman declared the motion to be LOST. Cllr. Mrs. Davison moved, and it was duly seconded, that planning permission be granted subject to the completion of an acceptable unilateral undertaking within three months of the meeting and with conditions to be agreed in consultation with the local Members. Officers advised the scale of the development required that any approval of the application be referred to the Secretary of State for Communities and Local Government.

It was felt the development would not have a detrimental effect on residential amenity; it would respect the context of the site and the street scene; traffic would be accommodated; there would be adequate parking; although there would be a loss of employment land there would be an increase in the number of jobs; there would be planning benefits to Edenbridge in the increased retail choice provided by the development.

The motion was put to the vote and there voted –

9 votes in favour of the motion

7 votes against the motion

Resolved: That, provided the application was not recovered by the Secretary of State, planning permission be GRANTED subject to the completion of an acceptable unilateral undertaking within three months of the meeting and as per conditions to be agreed in consultation with the local Members.

## Development Control Committee - 8 August 2013

The development would not have a detrimental effect on residential amenity; it would respect the context of the site and the street scene; traffic would be accommodated; there would be adequate parking; although there would be a loss of employment land there would be an increase in the number of jobs; there would be planning benefits to Edenbridge in the increased retail choice provided by the development.

40. SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB

The proposal was for the demolition of the existing buildings and redevelopment of the site to provide a food store with a gross external floor area of 2,170 sqm, with 160sqm to be on the first floor. 90% of the sales area was to be for convenience goods with the remaining 10% for comparison goods. The main vehicular access for customers was to be from St Johns Way with 122 car parking spaces, spaces for motorbikes and 10 dedicated cycle parking racks. The store would be in the north west corner of the site with the service area to the north and east of it.

Part of the west boundary and part of the south boundary adjoined residential development in St Johns Way and Paddock Close. A pair of semi-detached houses was being constructed opposite.

The site was part of an area of protected employment land. Part of the site benefited from planning permission for Class B1 (c) light industrial, Class B2 general industrial and Class B8 storage or distribution. The other part was occupied as Class B2 general industrial use. There were 14 FTE jobs on site and the permitted development could allow a further 24 FTE. The proposed development would generate 100 FTE.

The report advised that the application did not comply with policy as it had not been proven that there was no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. It was still occupied. However the proposal would generate an increase in employment. The proposal also provided an opportunity for other planning benefits at Edenbridge (such as an increased choice and range of goods within the town) without a significant adverse impact on the town centre vitality and viability and trade in the town centre.

The Officer displayed photographs of the site and described each elevation of the proposal.

The Committee was addressed by the following speakers:

Against the Application:	Stuart MacGregor
For the Application:	Paul Carter
Parish Representative:	Cllr. Davison
Local Member:	-

The Chairman drew Members' attention to the Late Observations, including the statement from the Local Member. It was noted that a Members' Site Inspection had been held for this application.

## Development Control Committee - 8 August 2013

Officers responded to Members' questions. The Officer from Kent Highways had considered the effect on visibility from the dwellings opposite and it was considered acceptable as they were set back 2m. Fifteen out of every sixteen pedestrians using the Station Road footway continued on to Edenbridge rather than turn into St Johns Way and so it was safer not to have the principal entrance to the store either on Station Road or on the roundabout. The best route for delivery vehicles appeared to be from the south using the A264.

Officers advised that Members' support for application SE/13/00134/FUL meant that the report on the present application needed to be reconsidered. That other application had to be referred to the Secretary of State for Communities and Local Government due to the size of the development. Officers requested that the present application be deferred for a further report after the decision of the Secretary of State.

It was MOVED by the Chairman and was duly seconded that the item be deferred for a further report from Officers after the decision of the Secretary of State.

Resolved: That consideration of the application be deferred for a further report from Officers following the decision of the Secretary of State for Communities and Local Government on application SE/13/00134/FUL.

At 9.12 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.24 p.m.

(Cllrs. Brookbank and Brown were not present for the consideration of the remaining items)

### 41. SE/13/00820/FUL - Bamptons, 2 Crownfields, Sevenoaks TN13 1EE

The proposal sought approval for the demolition of the existing bungalow and the erection of a replacement detached dwelling and detached garage outbuilding. The dwelling would have the appearance from the front of a two storey property but would provide accommodation over three floors. The site comprised a single detached bungalow, set centrally within an elongated plot. The site sloped steeply from the street and was within the urban confines of Sevenoaks.

Officers considered that the proposed replacement dwelling would have a detrimental impact on the character and appearance of the area. It would also represent an underuse of the site.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Paul Kempton
Parish Representative:	Cllr. Raikes
Local Member:	Cllr. Fleming

From the presentation Members noted the relative elevations of the present application and those of previous applications on the site.

## Development Control Committee - 8 August 2013

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to refuse permission be adopted.

Members felt the principle of a single dwelling on site was acceptable. This would be more in keeping with the Sevenoaks Residential Character Area Assessment SPD than the extant permission on site for four flats.

However the proposed development was excessively large and bulky and so was out of keeping with the character of the area. It would be considerably larger than the existing permission for flats. It was indicated that any development larger than that existing permission was likely to be unacceptable to the Committee.

An alteration to the motion was accepted that the second reason for refusal (that the development would not comprise an effective use of land) be removed.

The motion was put to the vote and it was –

Resolved: That planning permission be REFUSED for the following reasons:-

The proposal would harm the character and appearance of the area due to the significant increase in the bulk, size and built form of the proposed house, together with the prominent siting of the property within the site and the creation of a large area of suspended hard standing. The proposal therefore fails to respond to the distinctive local character of the area and would not be compatible with other buildings in the locality. This conflicts with policy SP1 of the Sevenoaks District Core Strategy and policy EN1 of the Sevenoaks District Local Plan.

(Cllrs. Underwood and Walshe were not present for the consideration of the remaining items)

42. SE/13/00481/FUL - New Beacon School , Brittain's Lane, Sevenoaks TN13 2PB

The proposal was to open a new vehicle crossover between Brittain's Lane and the school's staff car park. The new access would be located on the eastern side of the site, between two existing accesses to the site.

The Committee was reminded that the matter was previously considered by them at its meeting on 23 May 2013. The item had been deferred in order for Officers to seek further information. The applicants had since submitted traffic analyses, details of the gradient and gate position and reasons for the development. The Kent County Council Highways Officer submitted no objections to the proposals, considered that there would be better distribution of vehicle movements within the school and thereby reduced congestion both within the school and for Brittain's Lane and stated the entrance was acceptable in terms of width and set-back.

Public speaking had already been held on this item on 23 May 2013. The following were available to answer questions:

Against the Application:	-
For the Application:	Michael Mamalis
Parish Representative:	-
Local Member:	Cllr. Mrs. Hunter

## Development Control Committee - 8 August 2013

The speaker in favour of the application answered Members' questions. Parking spaces would increase from 78 to 92 by implementing other permissions. The middle entrance would only be used at peak time but would otherwise be closed. The southernmost entrance would allow traffic both in and out. It was felt that the additional access would allow the traffic onto the site to split between the two entrances.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Some Members felt that the additional access was an improvement on existing arrangements, particularly to get traffic off the road. It could also reduce travel around the site.

It was felt the application was inadequate and had failed to address all safety concerns due to the exits which have 2-way flow.

The motion was put to the vote and there voted –

5 votes in favour of the motion

6 votes against the motion

Cllr. Dickins clarified that he was not voting on the matter as he had not been present when the application was originally considered at the meeting on 23 May 2013.

The Chairman declared the motion to be LOST. It was moved by Cllr. Piper and duly seconded that permission be refused on the grounds that the application had failed to address concerns of congestion, amenity and safety arising from the traffic onto and off the site.

The motion was put to the vote and there voted –

6 votes in favour of the motion

5 votes against the motion

Resolved: That planning permission be REFUSED on the grounds that the application had failed to address congestion, amenity and safety concerns arising from the traffic onto and off the site.

At 10:20 p.m. it was MOVED by Cllr. Miss. Thornton and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda. The motion was put to the vote and by a majority of the Members present it was -

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

43. SE/13/00360/HOUSE/ - Moorcroft Place, Mapleton Road, Westerham TN16 1PS



## Development Control Committee - 8 August 2013

The proposal concerned a retrospective application for permission to erect a 2.2m high metal fence, running 290m across site, and 8 CCTV cameras on posts ranging between 3.5m and 7.5m in height. There were small openings at ground level to enable wildlife to pass through at 5m intervals. The applicant proposed to plant a mixed native hedge on the outer side of the fence to screen it. The 4 CCTV cameras not in ancient woodland would be planted with western redcedar. The site was within an Area of Outstanding Natural Beauty and the Metropolitan Green Belt.

The Committee was reminded that the matter was previously considered by them at its meeting on 13 June 2013. The item had been deferred in order for Officers to seek further information. The applicants had since submitted further information in respect of the CCTV splays and lighting and the justification for the level of security, including the threats which they faced.

Public speaking had already been held on this item on 13 June 2013. The following were available to answer questions:

Against the Application:	-
For the Application:	Will Pope
Parish Representative:	-
Local Member:	-

Members' attention was drawn to the Late Observations, including the statement from the local Member.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

The Committee considered an additional condition to tie the permission to the intended resident.

Members did not feel that the case for very special circumstances had been made out to justify the inappropriate development in the Green Belt. They did not feel that the circumstances as set out by the applicants were unique. There were other residents in the District who faced such media attention and such threats.

The motion was put to the vote and there voted –

6 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be LOST. It was moved and duly seconded that permission be refused on grounds that the very special circumstances advanced did not outweigh presumption against inappropriate development in the Green Belt. The motion was put to the vote and it was –

Resolved: That planning permission be REFUSED on the grounds that the very special circumstances advanced did not outweigh presumption against inappropriate development in the Green Belt.

**Development Control Committee - 8 August 2013**

THE MEETING WAS CONCLUDED AT 10.42 PM

CHAIRMAN