

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 5 September 2013 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Mrs. Davison, Dickins, Edwards-Winsler, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Brown, Cooke, Mrs. Dawson and Underwood

Cllrs. Ayres, Fleming, Mrs. Purves and Raikes were also present.

44. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 8 August 2013 be approved and signed by the Chairman as a correct record.

45. Declarations of Interest or Predetermination

Cllr. Miss. Stack clarified in respect of item 5.3 SE/13/01770/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY that although she did live in Golding Road she did not live near to the application site.

46. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of items 4.1 - Tree Preservation Order (TPO) No. 05 of 2013 Oak tree situated at 12 Farnaby Drive, Sevenoaks TN13 2LQ, 5.1 - SE/13/01836/HOUSE 12 Farnaby Drive, Sevenoaks TN13 2LQ and 5.2 - SE/13/01616/FUL - Knole Park Golf Club, Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 OHJ.

Tree Preservation Orders

47. Tree Preservation Order (TPO) No. 05 of 2013 - Oak tree situated at 12 Farnaby Drive, Sevenoaks TN13 2LQ

The report advised that the Order related to an Oak tree situated to the front of 12 Farnaby Drive, Sevenoaks. The Order was served to protect the tree after it was discovered that the tree was not protected by TPO 09 of 1969, an area order. The owner sought to remove the tree, including under the planning application considered under minute item 48. The tree was considered to be a prominent specimen, that could be seen from the main road and neighbouring properties, and that its removal would have a negative impact upon the amenity of the local area.

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Objections had been raised from the site owners, their arboricultural consultants and from neighbours. Concerns included that the TPO would frustrate a planning application, that the order had not been assessed according to guidance, that the site was unsuitable and that the oak was not worthy of protection due to neighbouring trees and shrubs. Neighbours were concerned that the tree would grow too large and cast shade. The report noted the tree was 14m from any neighbouring property and could be pruned to limit shade.

In response to questions the Arboricultural and Landscape Officer confirmed the TPO was served not for the tree's current quality but for its potential. It had been limited by a neighbouring conifer tree which had since been removed. Officers added that the Council had refused an application to remove the tree when the oak was thought to be protected by the area TPO. An Arboricultural Inspector had agreed the tree should be preserved.

It was confirmed that if the TPO were confirmed and should the oak be removed then a replacement tree could be insisted upon.

Resolved: That the Tree Preservation Order No. 05 of 2013 be confirmed without amendments.

Reserved Planning Applications

The Committee considered the following planning applications:

48. SE/13/01836/HOUSE - 12 Farnaby Drive, Sevenoaks TN13 2LQ

The proposal was for the erection of a new three bay detached garage to be 60.63m² in floor area, 2.3m high to eaves and 3.2m high to the roof pitch. The southern flank of the garage would be 0.94m lower than the existing ground level.

The site was situated within the urban confines of Sevenoaks and the road consisted of large detached properties. The property consisted of a two storey dwelling with an attached garage set back from the road. Following consideration of minute item 47 the site included an oak protected under a confirmed Tree Preservation Order but which would be removed if the planning application were effected.

The report advised that as the proposal involved the removal of a tree which was considered to be worthy of protection that planning permission should be refused.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Les Robinson
Parish Representative:	-
Local Member:	-

In response to a question Officers confirmed that a replacement tree was not part of the formal application.

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

Members noted the comments in paragraph 6.11 of the Sevenoaks Residential Extensions SPD that the need to extend should be balanced with the need to maintain the landscape character of the area. It was suggested that a replacement tree would be a very important consideration.

The Arboricultural and Landscape Officer had not considered the potential for a replacement tree in great detail. He would need to consider the suitability of the site, including effect on neighbours' amenities and the space for a tree.

Members did not feel they had sufficient information on the possibility of a replacement tree to approve the planning application. It was suggested that a survey be carried out to find an equally appropriate site for any replacement tree. The replacement tree should be an appropriate native species.

The motion was put to the vote and it was –

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

The felling of the oak tree will result in the direct loss of an important landscape feature which will impact on the landscape character of the area. The landscape amenity of the tree contributes to the character of the area and it should be retained. The proposal is not in accordance with Policy EN1 of the Sevenoaks District Local Plan, the Residential Extensions Supplementary Planning Document and the Sevenoaks Residential Character Area Assessment Supplementary Planning Document.

49. SE/13/01616/FUL - Knole Park Golf Club, Knole Park Golf Club, Seal Hollow Road, Sevenoaks TN15 0HJ

The proposal was to change the use of a part of the open agricultural, grazing land directly to the north of the Golf Club buildings and car park into a practice area. The practice area would involve the creation of a practice tee and practice ground along with a practice putting green and chipping green.

The site was situated just outside the edge of Sevenoaks Town Centre, within the Metropolitan Green Belt in the north-west corner of Knole Park. Much of the golf club was located within an Area of Outstanding Natural Beauty but the grazing land subject to the application was sited outside the AONB.

Officers considered that the proposal represented appropriate development within the Green Belt and would not detract from its openness, in accordance with NPPF. The development would not detract from the character and appearance of the existing site or wider landscape, nor have a detrimental impact upon the amenities of any neighbours, the biodiversity of the site, nor upon highway safety or the nearby public right of way.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

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Against the Application: Roger Perkins
For the Application: Paul Bailey
Parish Representative: -
Local Member: Cllr. Mrs. Purves

As clarification the speaker on behalf of the applicant informed the Committee that the golf club had between 500 and 550 members. The enhanced facilities were to maintain existing membership levels. The practice tee would be 44m wide and could take 10 golfers at a time.

Officers responded to Members' questions. Although the application site was comparable to an application which was refused on the site in 2005 the previous scheme involved more ground works and included not only practice tees but 5 practice holes. The NPPF considered provision of outdoor sports and recreation facilities as an appropriate form of development in the Green Belt and this did not make a distinction between public and private use.

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

Members did raise concerns that the development would have a detrimental impact upon the pair of breeding skylarks, a protected species, found on site.

It was noted that the land was not prime agricultural land. Concern was also raised that development may change the nature of the site but it was suggested by others that the land set aside and land used for wild seed mix would not be so different. The wild area may shield some views of the mown area.

Noting the concerns of the local Member not on the Committee, the motion was altered to include an additional condition to prohibit the installation of netting. An informative would be added clarifying that the Committee did not consider that advertisements would be appropriate for the site.

Members also wanted to ensure that the wild area would endure.

The motion was put to the vote and there voted –

10 votes in favour of the motion

4 votes against the motion

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.

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2) The landscaping scheme as shown on drawing KPGC-p-203 and detailed in section 7.2-7.23 of the submitted Habitat Survey and Management Strategy (including Figure 2) shall be implemented prior to the use hereby permitted be carried out, unless as otherwise agreed in writing with the Local Planning Authority.

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

3) If within a period of five 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.

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

4) No external lighting shall be installed on the land at any time.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies EN1 of the Sevenoaks District Local Plan.

5) No machinery to be used in the maintenance of the practise area or driving range or to collect golf balls shall be used between the hours of 1900 and 0800 the following day.

To protect the living conditions which the occupiers of near by dwellings can expect to enjoy, as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The practice area and driving range shall only be used by members of the Knole Park Golf Club and not for any other commercial purposes.

In the interests of highways safety and vehicle parking, as supported by Policy VH1 of the Sevenoaks District Local Plan.

7) The works hereby permitted shall be carried out outside the core breeding period for birds (March to August inclusive) as recommended by para 5.5.2 of the submitted Habitat Survey and Management Strategy. As recommended, should this timeframe be unobtainable, a thorough search for the presence of breeding birds should be conducted by a suitably experienced ecologist prior to the start of works. Should evidence of breeding birds be recorded, works within 5m of the nest, or works that has potential to destroy the nest, should stop until the eggs have hatched and the chicks fledged, or the nest is deemed by a suitably experienced ecologist to have been abandoned.

In the interests of conserving the biodiversity of the site.

8) The ecological enhancements detailed in section 7.2-7.23 of the submitted Habitat Survey and Management Strategy (including Figure 2) shall be implemented prior to the use hereby permitted be carried out.

In the interests of conserving the biodiversity of the site.

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9) The development hereby permitted shall be carried out in accordance with the following approved plans: KPGC-p-201/202/203/204

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

10) No development shall be carried out on the land until the applicant, or their agents or successors in title, has secured the implementation of a "watching brief". This shall be undertaken by an archaeologist approved in writing by the Council so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Council.

To investigate and record archaeological features as supported by Policy EN25A of the Sevenoaks District Local Plan.

11) No netting shall be installed on the land at any time.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies EN1 of the Sevenoaks District Local Plan.

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.

Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, constructor's vehicles or waste generated during any of the construction phases) 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. It is suggested that any planting is done at least one metre back from the footpath boundary so there is room for plants to be kept trimmed back.

It should be noted that the public using the footpath on foot have the priority over any vehicular traffic using the rights of way under their private rights as agents of

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the landowner. Therefore signage needs to warn drivers of their need to give way to and be aware that the public are using the path as pedestrians, rather than pedestrians having to be aware of vehicles and give way to them.

2) The applicant is advised that any advertisements placed on the site are unlikely to be acceptable.

(Cllr. Piper was not present for the consideration of the remaining item)

50. SE/13/01770/OUT - The New Inn, 75 St. Johns Hill, Sevenoaks TN13 3NY

The proposal was an outline application for planning permission with all matters reserved. It was intended to demolish the public house and construct a two and three storey residential building, including accommodation in the roof space, comprising of 8 one bedroom units. Submitted elevation drawings had been submitted for illustrative purposes only. There would be no on-site parking provision.

The site was primarily neighboured by two-storey residential and commercial properties to the rear and to the north and by a petrol station to the south.

Another application on site had been submitted and was rejected at the meeting of the Committee held on 14 February 2013. The case officer stated that since that application the height and bulk of the proposal had been decreased, the design altered to be more in keeping with the area, there would only be one rear window (comparable to the existing building), a section 106 agreement had been made and parking permits had been provided for a year in St John's car park.

Officers considered that the proposed outline development would not have a detrimental impact upon the character and appearance of the street scene, would have no adverse impact upon the amenities of the neighbouring residents and would not have a detrimental impact upon highway safety.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

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

Following comments from a Member, Officers advised that condition 16 should only refer to the plans in so far as they set a limit on the size of development.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, with a duly amended condition 16, to grant permission subject to conditions be adopted.

A Member of the Committee who lived in a road which was near to the application site advised that residents of the new development would not be able to park in the road

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near to the site as parking was already occupied by those who worked in the hospital and those who used the nearby laundry and surgery.

It was felt inappropriate to have residents walk from St John's car park to the site given the distance and that it was a busy main road. Some felt that the St James's car park would also be too far away. The one-year permit was not considered a long term solution. It was strongly felt that there was a need for on-site parking.

It was suggested that the existing public house did not require as many as 12 parking spaces. The buses in the area were each only once per hour and did not run either past 6pm or on Sundays. Bat & Ball Railway station was not considered safe after daylight hours. The comments from Kent County Council Highways wrongly assumed that permits were available for the nearer St James's car park.

The proposal was considered an overdevelopment of the site with very little amenity space available. The bulk, height and scale of the development were considered contrary to the Residential Character Area Assessment.

A further alteration was agreed to condition 5 to reflect the application was outline only. The motion was put and the Chairman declared the motion to be LOST.

It was moved by the Chairman and duly seconded that planning permission be refused. This was on the grounds that the proposed development was overintensive, it lacked on-site parking, lacked sufficient amenity space for residents and the bulk, height and scale would be out of keeping with the Victorian streetscene. An informative should be added to state that St John's car park would not be suitable.

The motion was put to the vote and it was –

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

The bulk, scale and intensive form of development proposed would have a detrimental impact on the visual amenity of the locality and the streetscene. As such the proposal is contrary to policies EN1 of the Sevenoaks District Local Plan 2000, SP1 of the Sevenoaks Core Strategy 2011 and the Sevenoaks Residential Character Area Assessment SPD 2012.

The proposal would result inadequate amenity space for future residents. As such the proposal is contrary to saved policy EN1 of the Sevenoaks District Local Plan 2000.

The insufficient provision of on site parking facilities for residents of the proposed flats would lead to additional parking onto roads in an area which already has high level of on street parking. This would be detrimental to the amenities of local residents in the surrounding area as it would reduce the availability of parking for them and would lead to harm to the safety of existing road users due to areas being over-parked. The proposal would therefore be contrary to policy EN1 of the Sevenoaks District Local Plan 2000.

Informative

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The applicant to be advised that the Committee did not feel St. John's car park would provide appropriate parking for the development. It would be too far away and along a main road. The permits would only last one year.

51. SE/13/02245/PAE - 5 Tudor Crescent, Otford TN14 5QS

This item had been withdrawn from the agenda.

THE MEETING WAS CONCLUDED AT 9.17 PM

CHAIRMAN

