

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 27 March 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton

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

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

Cllrs. Ayres and Grint were also present.

### 122. Minutes

Resolved: That the minutes of the meetings of the Development Control Committee held on 27 March 2014 and 5 March 2014 be approved and signed by the Chairman as a correct record.

### 123. Declarations of Interest or Predetermination

There were none.

### 124. Declarations of Lobbying

All Members of the Committee declared that they had been previously lobbied in respect of Minute 126, SE/13/03178/FUL Land North of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB.

The Chairman adjourned the meeting at 7.05 p.m. in order to allow Members additional reading time to consider the Late Observation papers tabled by Officers, especially the submission by Councillor Searles concerning the enforcement item on the agenda 310/08/042 The Grove Café, The Grove, Swanley BR8 8AJ. The meeting reconvened at 7.10 p.m.

### CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman moved forward consideration of agenda item 5.1.

### Enforcement of Planning Control

### 125. 310/08/042 - The Grove Cafe, The Grove, Swanley BR8 8AJ

In November, 2010, the Council received a complaint that the café at the above location had been extended by the erection of a conservatory type extension together with a small

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rear store, without the benefit of planning permission. A retrospective planning application was submitted in August, 2011, and made valid in November, 2011. The application was withdrawn on 29 January 2014 as concerns were raised by the adjacent landowner that the development had encroached into land that he owned. Officers had sought Legal advice which advised that the boundary of a site was a private law matter for the property owners and the exact boundary was rarely a material planning issue.

The matter had been referred to the Committee at the request of Councillor Searles, to consider the impact of the development on the surrounding area.

Members' attention was brought to the late observations sheet and a submission by Councillor Searles who was unable to attend the meeting.

A Member asked whether the potential breach of a planning condition mentioned in the statement, to do with hours of operation, was an issue before the Committee or whether that could be investigated separately. It was confirmed that it was a condition of the original planning consent and that Officers could investigate this. Cllr Thornton requested that enforcement investigate potential breach of hours of operation condition of the café

Resolved: That

- a) authority be given to take no further action in respect of the extension and rear store to the café, on the grounds that enforcement action was not expedient.

For The Following Reasons:

The development is considered to have no adverse impact on the amenities of adjacent properties or the visual amenities of the area. As the Highway Officer has raised no objection to the development, it is considered that the proposal is acceptable on highway and parking grounds; and

- b) enforcement action be investigated regarding apparent un-authorised storage uses on the site and if expedient enforcement action be taken.

### Reserved Planning Applications

The Committee considered the following planning applications:

126. SE/13/03178/FUL - Land North Of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB

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The proposal sought demolition of one building and a silo; change of use of land for the erection of a new crematorium, memorial garden, fencing, landscaping and car parking, together with new entrance gateway off internal access road. The item had been deferred at the January meeting of the Development Control Committee to allow Officers time to consider the details and implications of the proposed S.106 Obligation. The consultation period for that document was due to expire the day of the meeting of Committee, and in order to ensure that any representations submitted on the final day were considered it was recommended that a decision should not be taken and issued until the day after Committee (28 March 2014).

Members' attention was brought to further information contained within the late observations sheet, but did not propose any amendments or changes to the recommendation before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Mr. E. Firth
For the Application:	Mr. A. Marshall
Parish Representative:	Parish Cllr. T. Brooker
Local Member:	Cllr. Grint

Members asked questions of clarification from the Speakers and Officers. Cllr. Grint had raised some questions within his address. In response the Case Officer advised that a Lawful Development Certificate had been provided for the the recycling activities taking place on site; that a section 106 obligation was a legally binding contract; and that the access would be used by both crematorium clientele and the commercial activities on site and whether this would be acceptable would be up to the operator of the crematorium. Mr. Marshall added that a number of funeral directors and operators had been spoken to and had confirmed that the access arrangements as acceptable. The proposal had also been deigned so that the public areas faced away from the 'business' part of the operation i.e. both areas were separated by a dividing wall.

The Case Officer advised of an error in the report, the word "not" needed to be added before 'considered' in paragraph 221 line 6. The Officer clarified that it was only one building and one silo being removed, and in line with paragraph 15 of the Planning Inspectorate's appeal decision on Land South of Orchard Barn, L08 of the Core Strategy should also be cited as a reason for refusal.

It was moved by the Chairman and duly seconded that the recommendation in the report subject to the addition of L08 of the Core Strategy being added as a reason for refusal, be agreed.

Whilst the need was acknowledged Members did not feel that it outweighed the harmful impact and urbanisation the development would have on the green belt. It was also pointed out that the building and chimney height was 1m higher than the building refused on appeal at Land South of Orchard Barn. Flooding concerns from run off were also raised. Members were concerned that enforcement action should be taken against any un-authorized activities currently taking place on site.

The motion was put to the vote and it was

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Resolved: That

- a) subject to no new issues being raised during the consultation process that authority be delegated to Officers to REFUSE permission for the following reason:

The proposal would have an urbanising effect on the Green Belt. The need for the proposal does not amount to very special circumstances that would clearly outweigh the demonstrable harm to the character and openness of the Green Belt contrary to Policies GB1 and EN1 of the Sevenoaks District Local Plan Policy, LO8 of the Sevenoaks District Core Strategy and paragraphs 79, 80, 81, 89 of the NPPF;

- b) enforcement action be taken against any un-authorized activities on the site.

THE MEETING WAS CONCLUDED AT 7.57 PM

CHAIRMAN