

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 1 April 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Cooke, Edwards-Winser, Gaywood, Mrs. Parkin, Raikes, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Firth, McGarvey, Orridge and Walshe

Cllrs. Ayres, Piper and Searles were also present.

114. Minutes

Resolved: That the minutes of the Development Control Committee held on 12 March 2015 be approved and signed by the Chairman as a correct record.

115. Declarations of Interest or Predetermination

There were no declarations of interest or predetermination.

116. Declarations of Lobbying

All Members declared that they had been lobbied in respect of SE/14/04022/OUT - Broom Hill Site, London Road, Swanley.

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 matters were considered without debate:

117. SE/15/00044/FUL Tickners, Spode Lane, Cowden TN8 7HW

The proposal was for the demolition of existing dwelling and pool pavilion and erection of a replacement dwelling and tennis pavilion.

The application was referred to Committee as the officer's recommendation was contrary to that of the Parish Council and there was currently no standing Councillor in the Cowden ward and therefore no delegated powers in this instance.

Resolved: That planning 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.

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TIC PL 03 Rev B, TIC PL 05 Rev B, TIC PL 06 Rev A, TIC PL 07, TIC PL 09, TIC PL 16 Rev B.

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

- 3) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
 - i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
 - ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

- 4) No extension or external alterations shall be carried out to the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by GB4 of the Sevenoaks Allocations and Development Management Plan.

- 5) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the locality as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 6) A detailed mitigation strategy relating to development impact on bats, great crested newts and reptiles shall be submitted and approved prior to the commencement of any development. The works shall be carried out in accordance with the approved details.

In the interests of the ecological value of the site in accordance with SP11 of the Core Strategy

- 7) The development works must be carried out, outside of the breeding bird season (March - August) to avoid impacting any nesting birds. If that is not

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possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease in that area until all young have fledged.

In accordance with the Wildlife and Countryside Act 1980 (as amended).

- 8) Prior to occupation of the dwelling, the enhancement measures as outlined in the bat survey report shall be implemented.

In accordance with the Wildlife and Countryside Act 1980 (as amended)

- 9) Prior to the commencement of development of the tennis pavilion hereby approved, the existing pool room shall be demolished, all debris removed and the land made good.

To protect the openness of the Green Belt and the character of the landscape as supported by Policy LO8 of the Sevenoaks Core Strategy.

- 10) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

To ensure that there is no unacceptable impact on bats in accordance with Policy SP11 of the Core Strategy.

- 11) No development shall take place until details of the: existing levels of the land; any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To protect the openness of the Green Belt and the character of the landscape as supported by Policies LO8 of the Sevenoaks Core Strategy.

- 12) No building, enclosure or swimming pool, other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt as supported by GB4 of the Sevenoaks Allocations and Development Management Plan.

Informatives

- 1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you MUST submit a COMMENCEMENT NOTICE to the Council BEFORE starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

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- 2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

- 3) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact this Council for further information. It is an offence to obstruct a public right of way.

The Committee considered the following planning application:

118. SE/14/04022/OUT Broom Hill Site, London Road, Swanley, Kent

The proposal was for an outline application for mixed use development comprising up to 61 new homes including up to 24 (40%) affordable homes, not less than 1.41 hectares of public open space, not less than 0.24 hectares of retained open land with vehicular access provided from Beechenlea Lane with some matters reserved. It had been referred to Committee by Councillor Searles to consider the impact of the scheme upon the neighbouring properties' amenities

Members' attention was brought to the main agenda papers and the late observation sheet which proposed amendments and changes to the recommendations before the Committee. The Case Officer also advised the Committee that condition 1 was to be deleted, and that works to the bus stop fell within the Community Infrastructure Levy's remit and was therefore not suitable for a s.106 agreement, and Kent County Council (KCC) would have to make an application for funding.

The Committee was addressed by the following speakers:

Against the Application:	Mr Goode
For the Application:	Mr Buchanan
Parish Representative:	Cllr. Searles
Local Member:	Cllr. Searles

Members asked questions of clarification from the speakers and officers. It was confirmed that there had not been discussions with the applicant to reduce the amount of social housing in favour of an affordable housing contribution as the application had been policy compliant. It was also confirmed that it was estimated that at peak time the

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development would create two additional vehicle movements per minute. (Actual figures were provided in the committee report)

It was moved by the Chairman and duly seconded that the recommendation in the agenda papers as amended by the late observations and by the officer as above, to grant planning permission subject to conditions be agreed.

Members were very concerned by the increase in traffic movements and the detrimental impact the access would have on neighbouring properties which was thought would be intolerable. The size of the access and its suitability for construction traffic and heavy vehicles such as refuse freighters also caused concern. It was pointed out plans demonstrated overhang of vehicles onto neighbouring properties in order to be able to turn which would be impeded if a wall or fence were there. There was also concern that the amount of social housing on the site created an imbalance in the local area, but was acknowledged that this was policy compliant. Not only did the access cause concern but the increased traffic in Beechenlea Lane and possible worsening of London Road traffic and issues with the junction of Beechenlea Lane and London Road. Members did not agree with Kent Highway Services.

The motion was put to the vote and it was lost.

Having listened to Members' concerns the Planning Officer advised that it would be difficult to defend grounds of refusal with regards to the access itself and its suitability as KHS had raised no objections as the consulting authority, and officer did not have the technical expertise to disagree. However Members concerns were with regards to the detrimental affect to neighbouring amenities were reflected as being contrary to EN2.

Members reiterated their concerns as to the affect on neighbouring amenities and the detrimental impact of the additional traffic movements. It was requested that an informative concerning the traffic concerns be added to the reasons for refusal if agreed.

Cllr. Miss. Stack felt that the application should be refused on highways grounds and strongly disagreed with the advice from Kent Highways Services requesting that this be formally minuted.

The Chairman moved and it was duly seconded that the outline application be refused in line with concerns expressed concerning the access and increase in traffic and vehicular movements compared to that which would arise as a result of the previously approved schemes, being detrimental to the residential amenities of the neighbouring properties and therefore contrary to Policy EN2 of the Allocations and Development Management Plan, with an informative expressing highway safety concerns.

The motion was put to the vote and it was

Resolved: That the outline planning permission be refused on the following grounds:

- 1) The proposed location of the access and increase in traffic and vehicular movements compared to that which would arise as a result of the previously approved schemes would be detrimental to the residential amenities of the

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neighbouring properties. It would therefore be contrary to Policy EN2 of the Allocations and Development Management Plan.

Informative

Due to local knowledge of the site and surrounding area members of the planning committee raised concerns in regard to highway safety, in particular the safety of the site access when used by larger vehicles and would wish this aspect to be reviewed.

THE MEETING WAS CONCLUDED AT 8.00 PM

CHAIRMAN

