

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 30 July 2015 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice Chairman)

Cllrs. Ball, Bosley, Brown, Cooke, Edwards-Winsler, Gaywood, Hogg,  
Mrs. Hunter, Kitchener, Layland, Parkin, Purves, Miss. Stack and Thornton

Apologies for absence were received from Cllrs. Barnes, Clark and Raikes

Cllrs. Clack and Piper were also present.

### 26. Minutes

Resolved: That the minutes of the Development Control Committee held on 9 July 2015 be approved and signed by the Chairman as a correct record.

### 27. Declarations of Interest or Predetermination

Councillor Hogg declared that he was a member of the management committee of the Labour Party Headquarters in Swanley within close proximity to the site at Minute 30, SE/14/03874/CONVAR - Holly Mobile Home Park, Hockenden Lane, Swanley BR87QH, and would remain in the Chamber but take no part in the debate or voting thereon. He also declared that he was a Member of Swanley Town Council for Minute 32, SE/15/01200/HOUSE - Karapara, London Road, Swanley BR8 7AQ, and had been party to decisions of Swanley Town Council requesting this item be referred to Committee, but would remain open minded.

Councillor Ball declared that he was a Member of Swanley Town Council for Minute 32 SE/15/01200/HOUSE - Karapara, London Road, Swanley BR8 7AQ, and had been party to decisions of Swanley Town Council but would remain open minded.

### 28. Declarations of Lobbying

Councillors Bosley, Brown, Cooke, Edwards-Winsler, Gaywood, Mrs. Hunter, Layland, Parkin, Purves, Miss. Stack, Thornton and Williamson declared that they had been lobbied in respect of Minute 31, SE/15/00236/HOUSE - 55 Bradbourne Road, Sevenoaks TN13 3PZ.

### 29. SE/15/00722/FUL - 49A College Road, Hextable BR8 7LN

This item was withdrawn from consideration due to land ownership issues.

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### Reserved Planning Applications

The Committee considered the following planning applications:

30. SE/14/03874/CONVAR - Holly Mobile Home Park, Hockenden Lane, Swanley BR87QH

The proposal was for retention of change of use to caravan site for stationing of 5 caravans (3 mobile homes and 2 touring caravans) for Travellers, with retention of associated hardstanding, septic tank, sheds and fencing (retrospective). Two utility blocks were proposed on the site approved under reference SE/11/2120/CONVAR; amendment to vary condition 1 (temporary period for permission), condition 2 (occupation of site) and condition 3 (number of caravans to be kept on site); to allow permanent permission or extension of temporary permission; to amend the occupants of the site; and to increase to 4 static/mobile homes and 4 touring caravans.

It had been referred to Committee by former Councillor Fittock as any changes in the development would affect provision of local amenities such as school places and health services, that the site was already overcrowded and concerns for highway safety matters.

Members' attention was brought to the main agenda papers and the late observation sheet which amended the reasons given for the first two conditions on the report before the Committee but did not change the recommendation.

Members asked questions of clarification from the officers. There was concern that the Gypsy and Traveller Liaison Officers had not commented on the report. The Case Officer directed Members to the very special circumstances detailed within the report which included the families' gypsy traveller status, the unmet need for pitches in the district, lack of alternative sites, the need to prepare/adopt a site allocation DPD, and matters of human rights and race equality. The particular personal circumstances of the occupants should also be considered including the children's best interest (such as a settled home, school and access to health care) which was a primary consideration. The site had already been subject to two temporary permissions in the hope that the site would be allocated to meet the need for travellers' sites, the Council had put the Gypsy and Traveller consultation on hold pending the outcome of the Government's consultation on the Gypsy and Traveller definition, but sites would still be required. The conditions recommended took this into account. National Planning Practice Guidance stated it would rarely be justifiable to grant a second temporary permission and that further permissions should normally be granted permanently or refused if there was clear justification for doing so. The continued/permanent occupation of the site would allow the families to continue their daily lives without fear of the possibility of planning enforcement action to displace them from the site. It was confirmed that 'dependant' did have a wide meaning but was the usual terminology employed in planning.

It was moved by the Chairman and duly seconded that the recommendation in the agenda to grant planning permission be agreed.

Members had regard to the confidential appendix. Members discussed the meaning of dependant and whether the circumstances outweighed the impact on the Greenbelt. Members also discussed the unmet need for Gypsy and Traveller sites and whether there

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should be another temporary permission until the outcome of the Gypsy and Traveller consultation.

In summing up the Chairman moved, seconded and the Committee agreed to add an informative to advise that whilst the Committee was prepared to accept four units there should be no further proliferation of the site as this would harm the openness of the Greenbelt.

The substantive motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2012).

The site lies within the Metropolitan Green Belt and the use of the land represents inappropriate development in the Green Belt under the National Planning Policy Framework. Permission is only granted for the development on the basis of the very special circumstances considered as part of this application, including the existing undersupply of Gypsy and Traveller sites within the District.

- 2) The occupation of the site hereby permitted shall be carried on only by Mrs T B Nolan and her dependants, Mrs J Casey and her dependants, Katerina Casey and her dependants and Pamela O'Driscoll and her dependants. When the land ceases to be used by the residents and their dependants, the use hereby permitted shall cease to 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.

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 Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy and the NPPF.

- 3) No more than 8 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 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 Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

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- 4) No commercial activities shall take place on the land, including the storage of materials for the duration of this permission.

To preserve the visual appearance of the area as supported by EN1 of the Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

- 5) No building, enclosure or temporary structures other than those on approved block plan Rev. A received on 15th December 2014 shall be erected or placed on the site.

To preserve the visual appearance of the area as supported by EN1 of the Allocations and Development Management Plan and Policy SP1 and LO8 of the Core Strategy.

### Informative

1. The applicants are advised that whilst four pitches are acceptable on this site, the Council is unlikely to allow any further sub division or creation of the creation of additional plots, nor the stationing or erection of further mobile homes, utility buildings or touring caravans on this site. Such further proliferation would harm the openness of the Green Belt.

(Cllr. Clack remained present in the Chamber but did not take part in the debate or voting thereon.)

### 31. SE/15/00236/HOUSE - 55 Bradbourne Road, Sevenoaks TN13 3PZ

The proposal was for an extension and internal alterations and alterations to fenestration. It had been referred to Committee by Councillor Clack for the following reasons: The design of the scheme was acceptable; with the rear extension not visible from the street scene; other examples of glazing in the area; high quality design; unobtrusive on property, not overbearing or detrimental visually; difference in pitch non-material; and examples of non-matching eaves in the locality.

Members' attention was brought to the main agenda papers and the late observation sheet which did not amend the report or change the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	Mr Legon
For the Application:	-
Parish Representative:	-
Local Member:	Cllr. Clack

Members asked questions of clarification from the officers.

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It was moved by the Chairman and duly seconded that the recommendation in the agenda to refuse planning be agreed. Members discussed the detrimental effect of the rear gable end projections and in particular the use of glazing.

Resolved: That planning permission be refused for the following reason

- 1) The proposed two rear gable end projections create a harmful addition to this building of interest through the introduction of a higher eaves level, a different pitch to the host property, and an excessive level of glazing used which is out of character with the character and appearance of the host property. This would not provide for a form of development which would be acceptable in terms of the character and appearance of the host property. As such the proposal is contrary to the NPPF, policy SP1 of the Sevenoaks Core Strategy, EN1 of the Sevenoaks Allocations and Development Management Plan, the Sevenoaks Residential Character Area Assessment SPD, and the Residential Extensions SPD.

### Informative

- 1) In order for clarity it has been noted that the existing front (north-east) elevation titled 'Elevation Bradbourne Road - North - Existing' SO/01/02 does not measure correctly. With the proposed front (north-east) elevation measuring to scale, it has still been possible to undertake a full assessment.

(Cllr. Mrs. Hunter was absent from the Chamber for a brief period at the commencement of this item and therefore took no part in the debate or voting thereon.)

### 32. SE/15/01200/HOUSE - Karapara, London Road, Swanley BR8 7AQ

The proposal was for raising of the roof to accommodate full height first floor. Erection of a part one/part two storey front, side and rear extension, and proposed parking to the front of the property. It had been referred to Committee by Councillors Dyball and Hogg as they were concerned that this scheme was out of character of the area and overdevelopment of the site and would cause congestion.

Members' attention was brought to the main agenda papers.

It was moved by the Chairman and duly seconded that the recommendation in the agenda to refuse planning be agreed. Councillor Hogg advised that the Town Council had been concerned with over intensification.

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) 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 extensions 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 is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The area shown on the approved plan as car parking space shall be provided and shall be kept available for such use at all times, and no permanent development shall be carried out in such a position as to preclude vehicular access to these parking spaces.

In the interests of highway safety.

- 4) No development shall take place until full details of both hard and soft landscaping have been submitted to and approved by the Local Planning Authority. These details shall cover as appropriate: Proposed finished levels or contours; Hard surfacing materials; Planting plans; Written specification (including cultivation and other operations associated with plant and grass establishment); Schedules of plants, noting species, planting sizes and proposed numbers/densities, and Implementation timetables.

Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg nos. BEX/15012/P 1 of 2 and BEX/15012/P 2 of 2

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

THE MEETING WAS CONCLUDED AT 8.40 PM

CHAIRMAN