

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 24 May 2018 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Thornton (Vice-Chairman)

Cllrs. Ball, Bosley, Clark, Coleman, Edwards-Winser, Gaywood, Horwood, Mrs. Hunter, Layland, Parkin, Purves, Reay, Thornton and Raikes

Apologies for absence were received from Cllrs. Barnes, Brown and McArthur

### 1. Minutes

Resolved: That the minutes of the Development Control Committee held on 12 April 2018 be approved and signed by the Chairman as a correct record.

### 2. Declarations of Interest or Predetermination

Councillor Raikes and Councillor Purves declared for Minute 4 - 18/00423/FUL - Uplands House, The Vine, Sevenoaks, Kent TN13 3SY that they had seen the item before as panel members during local list selection and at Sevenoaks Town Council however remained open minded.

Councillor Hunter declared for Minute 96 - 17/03609/FUL - Former West Kent Cold Store, Rye Lane, Dunton Green, Kent that her son worked for Berkeley St James and he was consulted on the application during an early stage. She had been advised by the Monitoring Officer that this was not a Disclosable Pecuniary Interest but made the declaration for the purposes of transparency.

### 3. Declarations of Lobbying

All members of the Committee declared that they had been lobbied in respect of Minute 96 - 17/03609/FUL - Former West Kent Cold Store, Rye lane, Dunton Green, Kent.

Councillor Hunter declared that she had been lobbied in respect of Minute 95 - 18/00423/FUL - Uplands House, The Vine, Sevenoaks, Kent TN13 3SY.

## RESERVED PLANNING APPLICATIONS

The committee considered the following planning applications:

4. 18/00423/FUL - Uplands House, The Vine, Sevenoaks, Kent TN13 3SY

The proposal sought planning permission for the demolition of existing garages, chimneys and side porch. Demolition of existing external staircase, rear and side bay windows and side extension. Conversion to form 5 apartments with external parking. Erection of a part two storey, part single storey side and rear extensions to existing dwelling, including balcony to front and terraces to rear, changes to roof gable on West elevation, proposed basement to the side, new chimneys, bin store, communal external bike shelter and retaining wall to the rear. The application had been referred to the Development Control Committee by Councillor Fleming to consider the impact on neighbours, in particular overlooking, the impact on The Vine Conservation Area, and over development of the site.

Members' attention was brought to the main agenda papers and the late observations sheet, which recommended additional conditions.

The Committee was addressed by the following speakers:

Against the Application:	David Horne
For the Application:	Neil Edwards
Parish Representatives:	-
Local Member:	Councillor Fleming

Members asked questions of clarification from the speakers and officers. The applicant responded to a question about the retention of vegetation.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations be agreed.

Members discussed the application, in particular concerns about boundary treatment to the southern and western side of the site and their impact on the setting of the development. Issues were raised of the effect of overlooking to neighbouring Belmont.

Members considered the eight parking spaces proposed, the likely increase in demand for spaces in the future and the sustainable location of the site. They considered the impact on neighbouring amenity of the position of the bicycle store.

It was moved and seconded that condition 5 be amended to remove the second sentence, remove reference to policy T2 and for the impact of the amenity of the neighbours be added as a reason through Policy EN1. Condition 9 to be amended to require details of proposed boundary treatment for the southern and western boundaries to be submitted for approval prior to commencement of development.

The amendment was put to a vote and was carried.

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Members requested that the two adjoining neighbours, the local ward members, the Chairman and Vice-Chairman of the Development Control Committee be consulted on any details submitted under conditions 5 and 9 of the permission.

The amended substantive motion was put to the vote and it was

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.

Reason: 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: 001/P1, 002/P1, 003/P1, 010/P1, 011/P1, 012/P1, 013/P1, 014/P1, 015/P1, 016/P1, 017/P1, 020/P1, 021/P1, 022/P1, 023/P1, 024/P1, 025/P1, 026/P1, 027/P1, 028/P1, 030a/P1, 030b/P1, 031/P1, 032/P1, 033/P1.

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

- 3) No development shall commence until details of the proposed extent of demolition (including elevation drawings and floorplans), and a method statement detailing the means by which the remaining fabric will be maintained and protected throughout the construction process, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the details approved.

Reason: To ensure that retained parts of the heritage asset are appropriately protected and ensure compliance with policies EN1 and EN4 of the ADMP.

- 4) No development shall commence until details of sustainable urban drainage systems, to control and mitigate surface water runoff arising from the development, has been submitted to, and approved in writing by the Local Planning Authority. The details shall include measures to be integral to the parking areas, driveways and private terrace area. The development shall be carried out only in accordance with the approved details and shall be so maintained.

Reason: To ensure adequate measures for surface water run off and to protect the living conditions of nearby properties as required by policy EN2 of the ADMP.

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- 5) Notwithstanding the approved drawings, no development shall commence until a site plan showing a revised parking layout has been submitted to and approved in writing by the Local Planning Authority. The plan shall also show the relocation of the proposed cycle store away from the mature trees on the northern site boundary. The development shall be carried out only in accordance with the approved plans and the parking spaces and cycle parking facilities shall be available for use prior to the first occupation of the development.

Reason: To ensure an appropriate level of parking provision and ensure protection of the trees to be retained on the site, and to protect the amenity of residents, to comply with policies EN1 and T2 of the ADMP.

- 6) Prior to the occupation of the development, details of electrical charging points for electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved charging points shall be maintained and available for use at all times.

Reason: To promote the use of sustainable transport and comply with policy T3 of the ADMP.

- 7) No development shall commence until the tree protection measures, demonstrated in the document 'Arboricultural Method Statement' and associated appendices by David Archer Associates dated February 2018 have been installed in full. The measures shall be maintained for the duration of the construction process.

Reason: To ensure adequate protection of the retained trees and to comply with EN1 of the ADMP.

- 8) No development shall commence until an itemised tree survey giving details of the pruning required to individual trees to facilitate the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: To ensure adequate protection of the retained trees and to comply with EN1 of the ADMP.

- 9) Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority.
- a) A method statement for the construction of the proposed driveway, parking spaces and associated hard surfaces across the site, including details of materials to be used and including details of existing and proposed levels around the site.
  - b) A scheme of soft landscaping for the site, including existing planting to be retained and proposed new planting across the site

- c) A scheme of hard landscaping for the site including all materials and finishes to be used in the hard surfaces across the site.
- d) Details of proposed boundary treatment for the southern and western boundaries.

The development shall be carried out only in accordance with the approved details. All landscaping in accordance with the approved scheme shall be completed / planted prior to the first occupation of the development. The landscaping and tree planting shall have a five year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within fifteen years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. No development shall take place other than in accordance with the approved details and shall be maintained as such thereafter.

Reason: To preserve the character and appearance of the Conservation Area and the locally listed building and to comply with policies EN1 and EN4 of the ADMP.

- 10) All first floor windows in the southern elevation, facing towards Belmont, shall be obscure glazed in full and fixed shut unless the opening parts of the windows are more than 1.7m above the internal floor level, and so maintained.

Reason: To protect the privacy of the neighbouring property and comply with policy EN2.

- 11) All external materials and finishes to be used in the construction of the development shall match the existing property.

Reason: To preserve the character and appearance of the Conservation Area and the locally listed building and to comply with policies EN1 and EN4 of the ADMP.

- 12) No part of the development shall be occupied until details of a privacy screen to be installed at the far southern edge of the rear first floor terrace, have been submitted to and approved in writing by the Local Planning Authority. The screen shall be no less than 1.7m in height and shall prevent overlooking towards the south. The privacy screen shall be installed in full prior to the first occupation of the flat it serves and shall be maintained at all times.

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Reason: To protect the privacy of the neighbouring property and comply with policy EN2.

- 13) Prior to the commencement of development, details of a biodiversity enhancement scheme to promote biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the biodiversity measures installed in full prior to the first occupation of the development.

To ensure biodiversity on the site is enhanced by the development and to comply with policy SP11 of the Core Strategy.

- 14) No external lighting shall be installed until such details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: To protect neighbouring amenity and to comply with policy EN2 of the ADMP.

- 15) Prior to the commencement of development, details of the proposed protection measures for the heritage water pump on the southern boundary shall be submitted for approval in writing. The details shall include a plan to identify the location of the water pump, details of any proposed alteration in ground levels, details of any proposed alterations to the means of support and the method for its protection during the construction process. The development shall be carried out in accordance with the approved details and the water pump retained thereafter.

Reason: To protect this heritage asset as supported by Policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan and the NPPF.

### Informatives

- 1) The changes to the site boundary treatments do not form part of the planning permission hereby granted. Any changes to the front boundary and position of the piers would require further planning permission.

## 5. 17/03609/FUL - Former West Kent Cold Store, Rye Lane, Dunton Green, Kent

The proposal sought planning permission for the erection of 35 apartments, including the provision of affordable homes, together with access, parking and landscaping. The application had been referred to the Development Control Committee by Councillor Brown on the grounds that he had concerns regarding the method in which the existing site and development had been marketed.

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Members' attention was brought to the main agenda papers and the late observations sheet which amended recommendation B and proposed an additional condition.

The committee was addressed by the following speakers:

Against the application: David West  
For the application: Alex Davis  
Parish representative: -  
Local Member: -

Members asked questions of clarification from speakers and officers. The Agent confirmed that the visitors spaces would be unallocated and therefore could be used by any part of the development. The details of the electric vehicle charging space had not yet been confirmed. The Officer advised that conditions could not be required to alleviate existing parking difficulties within the wider development.

It was moved by the Chairman and duly seconded that the recommendations within the report as amended by the late observations be agreed.

The Vice Chairman advised the Committee that the local member, who had referred the matter to the Committee, had since discussed the issue of viability with the developer and considered that his concerns had been addressed. A member indicated that the use of fast electric vehicle charging points would increase turnover in the space and therefore further assist parking provision in the development.

The motion was put to the vote and it was

Resolved: That

A) planning permission be granted subject to the completion of the necessary S106 legal agreement within 28 days of the date of the Committee meeting, or an alternative date agreed in writing by the Development Manager and 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.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2500-A-1000-A, 2500-A-1011-J, 2500-A-1050-E, 2500-C-1100-D, 2500-A-1200-F, 2500-A-1201-F, 2500-A-1203-E, 2500-A-1205-E, 2500-C-3116-D, 2500-A-3215-H, 2500-A-3216-C, 2500-A-3217-C, 2500-A-3315-H, BKH-RYE\_HTA-L\_P3-00-DR\_1915-C and BKH-RYE\_HTA-L\_P3-00-DR\_1916-C.

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

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- 3) Prior to the commencement of above ground works details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. 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.

- 4) Soft landscaping works shall be carried out in accordance with the approved plan BKH-RYE\_HTA-L\_P3-00-DR\_1915-C and where appropriate existing trees on the site shall be replanted within the landscaping scheme. The landscaping works shall be completed prior to the occupation of the approved development.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) 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 Allocations and Development Management Plan.

- 6) Hard landscaping works shall be carried out in accordance with the approved plan BKH-RYE\_HTA-L\_P3-00-DR\_1916-C. The landscaping works shall be completed prior to the occupation of the approved development.

To safeguard the visual appearance of the area as supported by policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 7) The levels of the development shall accord with those indicated on the approved plan 2500-A-1011-J.

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.

- 8) The development shall be carried out in full accordance with the recommendations of the Acoustic Planning Report by WSP dated October 2017.



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To protect the living conditions of residential occupier, in accordance with policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

- 9) Prior to the installation of external lighting, details of the position, design and luminance levels of the lighting shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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.

- 10) The boundary treatments for the development shall be carried out in accordance with the approved plan 2500-A-1203-E. The boundary treatments shall be completed prior to the occupation of the approved development.

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.

- 11) The vehicle parking spaces and cycle storage areas shown on the approved drawing number 2500-A-1201-F shall be provided prior to first occupation of the development hereby approved and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude access to the vehicle parking spaces and cycle storage areas.

To ensure a permanent retention of vehicle parking for the property as supported by Policy T2 of the Sevenoaks Allocations and Development Management Plan.

- 12) No hard or soft landscape works shall take place until a scheme for the provision of at least one communal electrical charging point has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation of the approved development.

To encourage the use of low emission vehicles, to reduce CO2 emissions and energy consumption levels within the District, in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

- 13) Prior to any works commencing within the vegetated areas of the site a detailed reptile mitigation strategy must be submitted for written approval by the local planning authority. The strategy must include the

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following information:- Reptile survey;- Details of reptile receptor site (if required);- Translocation methodology;- Timing of works;- Details of who will be carrying out the works. The strategy must be implemented as detailed within the approved report.

To ensure the long term retention of reptiles within the area as supported by policy SP11 of the Sevenoaks Core Strategy.

- 14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.

To ensure that unexpected contamination identified during development groundworks is identified and appropriately remediated in accordance with the National Planning Policy Framework.

- 15) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

To prevent infiltrating water causing re-mobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 16) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To prevent the potential risks associated with the use of piling where contamination is an issue.

- 17) Within three months of the date of this decision details of at least one communal electric charging point for vehicles to be provided within the site shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the

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approved details prior to occupation of the development hereby approved and the electric charging point(s) shall be retained thereafter.

To encourage the use of low emission vehicles in accordance with Policy T3 of the Sevenoaks Allocations and Development Management Plan.

### Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) The applicant should ensure that crime prevention is addressed effectively for the site in conjunction with discussions with the Kent Police Crime Prevention Design Advisors (CPDAs).
- B) If the Section 106 legal agreement is not signed in accordance with (A) above, then planning permission be refused on the following grounds
  - 1) The applicant, in their failure to complete the necessary S106 legal agreement, has failed to secure an appropriate provision of on-site affordable housing. This is contrary to the National Planning Policy Framework and policy SP3 of the Sevenoaks Core Strategy.

### Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL IS PAYABLE. Should this decision be appealed and the appeal is allowed full details will be set out in the CIL Liability Notice which will be issued as soon as possible after the appeal decision is issued. Further information can be found here:

<http://www.sevenoaks.gov.uk/services/housing/planning/planningapplications/community-infrastructure-levy-cil>

(COUNCILLOR THORNTON IN THE CHAIR)

6. 17/02067/FUL - Tri Officers Mess, 1 - 4 Armstrong Close, Halstead, Kent TN14 7BS

The item had been returned to Development Control Committee to correct part A (iii) of the meeting minutes dated 15 March 2018 for item 4.2 (planning application 17/02067/FUL) to refer to provision of commuted sum for off-site affordable housing.

The item was introduced by the solicitor in attendance who explained the error and recommendation. The error first appeared in the late observations which made reference to on-site provision of affordable housing contrary to the main report's agreement of off-site affordable housing. The inconsistency was carried through to

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the minutes which also incorrectly referred to on-site affordable housing. It was the officers' view that in resolving to grant planning permission on 15 March 2018, Members understood and accepted that the affordable housing contribution was to be made off-site.

It was moved by the Chairman that the recommendation in the report to retrospectively correct the error be agreed.

The motion was put to the vote and it was

Resolved: That

Correction be made to part A (iii) of the meeting minutes dated 15 March 2018 for item 4.2 (planning application 17/02067/FUL) as below:

(iii) The S106 legal agreement shall include the following requirements:

Provision of commuted sum for off-site affordable housing.

THE MEETING WAS CONCLUDED AT 8.31 PM

CHAIRMAN