

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 16 January 2020 commencing at 7.00 pm

Present: Cllr. Reay (Vice Chairman) (In the Chair)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Firth, Hudson, Hunter, Layland, McGarvey, Pett, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. Roy and Williamson

Cllrs. Andrews, Barnes, Edwards-Winsor, Mrs. Morris and Thornton were also present.

It was noted that Application 19/02127/FUL - Abbeyfield, St Marys, 15 The Glebe Field Shoreham Lane Riverhead Kent, had been withdrawn by the Applicant.

49. Minutes

Resolved: That the Minutes of the Development Control Committee held on 18 December 2019 be signed by the Chairman as a correct record.

50. Declarations of Interest or Predetermination

Councillor Ball declared that for Minute 54 - 19/01496/FUL 11-13 High Street, Swanley, Kent BR8 8AE he had previously considered the matter when it was discussed by Swanley Town Council, but remained open minded.

51. Declarations of Lobbying

There were none.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

52. Porters Farm, Birchin Cross Road, Knatts Valley Kent TN15 6XH

The proposal sought planning permission for change of use and conversion of 3 no. agricultural barns to provide 4 no. residential dwellings, including partial demolition of existing barn, with associated landscaping, access and parking. The application had been referred to Development Control Committee by Councillor Edwards-Winsor for reasons of: the impact on the Green Belt and whether the proposals comprise 're-use' of the existing buildings; harm to the AONB; and, the unsustainable location of the development and subsequent reliance on private cars.

Development Control Committee - 16 January 2020

Members' attention was brought to the main agenda papers and late observations.

The Committee was addressed by the following speakers:

Against the Application: Sarah Parks

For the Application: Matthew Garvey

Parish Representatives: Parish Cllr Susanne Hubble

Local Member: Cllr Edwards-Winsor

Members asked questions of clarifications from the speakers and officers. In response to a question as to whether the recent appeal decision at Vine Cottage, Penshurst (ref 17/00825/FUL) was distinguishable or binding on this application, Members were advised that it was not a binding authority but demonstrated an example of how on appeal, these matters could be considered. All applications were to be looked at on their own merits. It was further clarified that a formal definition could not be given for 'cladding' nor for what constituted 'minor works' in this context as this was more a judgement of fact and degree.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informative as set out within the report, be agreed.

Members discussed the application, in particular the interpretation of 're-use' and 'rebuild' as there was concern on the current use and condition of the barns; and, whether the Penshurst appeal decision was comparable to the current application, along with non-compliance with the Council's policies. Also concern with regard to the current use and the overall condition of the barns was expressed.

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

Members debated reasons for refusal which centred on the proposal being considered substantial reconstruction due to the significant works required and therefore not being compliant with GB7 of the Sevenoaks ADMP and the NPPF. It was moved by the Chairman, duly seconded and

Resolved: That planning permission be refused on the grounds that the proposals would be inappropriate development in the Green Belt and harmful by definition as they fail to constitute the re-use of buildings, contrary to policy GB7 of the Sevenoaks ADMP and the NPPF.

53. Land Opposite, 9 - 16 Church Lane, Kemsing Kent TN15 6LU

The proposal sought planning permission for the erection of 3 no. dwellings and amendments to road and parking layout. As amplified by amended site plans and

Development Control Committee - 16 January 2020

amended Arboricultural Report and ecological assessments. The application had been referred to Development Control Committee as Sevenoaks District Council was the applicant.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speakers:

Against the Application: Georgina Lloyd

For the Application: Adrian Clark

Parish Representative: Parish Cllr Matt Bell

Local Members: Cllr Morris

Members asked questions of clarification from the speakers and officers. It was confirmed that the land was owned by Sevenoaks District Council, and that there was no application to register it as a village green. In response to a question as to when public use of the land became a right, Members were advised that under the Commons Act 2006 it could be registered if a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, had indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years. Clarification was sought on distances between the current and proposed properties, and Members signposted to paragraphs 41 to 43 of the report concerning Section 85 of the Countryside and Rights of Way Act 2000 and Policy EN5 of the ADMP.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informatives as set out within the report, be agreed.

Members discussed the application, in particular compliance with Section 85 of the Countryside and Rights of Way Act 2000 and Policy EN5 of the ADMP, as the site was within the Kent Downs Area of Outstanding Beauty. Some concern was expressed on the age of potential occupiers of the new build versus the existing 'aged persons bungalows.' Members were advised that an age restriction could be conditioned but would require reasonable grounds. The use of the land and the benefit for health and wellbeing of residents was also discussed.

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

(Councillor Hudson requested her abstention be recorded.)

Members debated reasons for refusal which centred on loss of open space, the detrimental impact on the street scene and failure to comply with Policy EN5 of the ADMP.

Development Control Committee - 16 January 2020

The motion was put to the vote and it was

Resolved: That planning permission be refused on the grounds of loss of open space, layout and detrimental impact on the street scene as it failed to preserve, conserve or enhance the distinctive character of the area and the AONB, contrary to Policy EN5 of the ADMP.

(Councillors Cheeseman and McGarvey left the room during debate of reasons for refusal and therefore did not take part in the remaining debate or voting thereon.)

54. 11-13 High Street, Swanley, Kent BR8 8AE

The proposal sought planning permission for proposed demolition of existing building. Erection of new building to provide A1 Retail at part ground floor and C3 residential accommodation 11 units at ground to second floor with a 12th unit in attic floor space and 3 apartments to the third floor. Provision of rear undercroft. The application had been referred to Development Control Committee Councillor Barnes on the grounds of insufficient parking.

Members' attention was brought to the main agenda papers and late observations.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representative: -

Local Members: Cllr Barnes

Members asked questions of clarification from the speakers and officers concerning previous applications and car parking allocation.

It was moved by the Chairman and duly seconded that the recommendation to grant the application subject to the conditions and informatives as set out within the report, be agreed.

Members discussed the application, with particular regard to parking provision.

The motion was put to the vote and it was

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

Development Control Committee - 16 January 2020

- 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 and details: SLP.01, S.01, S.02, PL.01/A, PL.02/C, PL.03/B, PL.04/D, PL.05/A, PL.11/C, PL.12/C.

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

- 3) The development shall be carried out only in accordance with details approved on 20.11.2019 under reference 18/02774/DETAIL and also those details approved on 26.07.2019 under reference 19/01484/DETAIL relating to land contamination and remediation of land contamination.

In the interests of pollution prevention and to protect public health in accordance policy SC1 of the Sevenoaks Allocations and Development Management Plan and the National Planning Policy Framework.

- 4) No occupation of any of the residential units shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan and certificates for removed material and imported soils to demonstrate that the site remediation criteria have been met.

In the interests of pollution prevention and to protect public health in accordance with the National Planning Policy Framework.

- 5) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in

Development Control Committee - 16 January 2020

accordance with policy SC1 of the Core Strategy and the National Planning Policy Framework.

- 6) Unless in accordance with the details approved on 07.01.2019 under reference 18/02840/DETAIL, no development shall be carried out on the land until a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. Discharge rates shall be restricted to 50% of the peak brownfield discharge rate unless otherwise agreed in consultation with the Lead Local Flood Authority and Thames Water. No development shall take place other than in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 7) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Details shall include: i) a timetable for its implementation; and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. No development shall take place other than in accordance with the approved details.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions in accordance with policy SP2 of the Core Strategy and the National Planning Policy Framework.

- 8) Unless in accordance with the details approved on 20.11.2018 under reference 18/02842/DETAIL, no development shall take place until a noise assessment and characterisation for the potential noise impact on the residential units, together with details of necessary mitigation measures have been submitted to and approved in writing by the local planning authority. The noise assessment shall be carried out in accordance with the requirements of BS4142:2014. The mitigation measures shall include details of acoustic ventilation and glazing

Development Control Committee - 16 January 2020

required to protect the approved bedrooms, living rooms and balconies from noise and vibration in accordance with the requirements of BS8233:2014 and the strategy set out in the Environmental Noise Assessment by Idom Merebrook (reference ENA-19502-16-101 REV A, dated June 2017). The approved protection measures shall be completed in accordance with the approved details prior to the first occupation of the relevant residential unit and maintained thereafter.

In order to provide an acceptable standard of residential accommodation in accordance with policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 9) Unless in accordance with details approved on 20.11.2018 under reference 18/02843/DETAIL, no impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details.

The proposed works will be in close proximity to underground water utility infrastructure and piling has the potential to impact on local underground water utility infrastructure.

- 10) Unless in accordance with the details approved on 25.06.209 under reference 19/01279/DETAIL, no development shall be carried out on the land until a demolition and construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority and thereafter implemented and maintained throughout the construction period in accordance with the approved CEMP. The CEMP shall include: a. Details of the proposed working hours b. Details of locations of vehicle parking for site operatives and visitors c. Details of an area for the storage of plant and materials d. A site waste management plan e. Details of means of suppressing dust during the construction process to include the regime for dust deposition measurement at the site boundaries; f. Details of the measures to mitigate the noise and vibration from construction g. Details of a surface water drainage scheme for the temporary drainage of the Site.

In the interests of highways safety and the amenities of the surrounding area during the construction phase, in accordance with policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 11) Unless in accordance with the details approved on 07.01.2019 under reference 18/03484/DETAIL, no development shall be carried out on the land until a scheme to provide utilities connections to the dwellings

Development Control Committee - 16 January 2020

hereby permitted to facilitate access to infrastructure that meets modern communication and technology needs, including broadband and where feasible Superfast Fibre Optic Broadband, high speed internet cabling and digital TV cabling shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be provided prior to first occupation of any of the residential units hereby approved.

To secure the installation of infrastructure that meets modern communication and technology needs and to avoid the need for retrofitting in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 12) Unless in accordance with the details approved 20.11.2018 under reference 18/02844/DETAIL, no development shall be carried out on the land until a scheme of measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) shall be submitted to and approved in writing by the local planning authority. The measures so approved shall be implemented prior to the first occupation of any of the residential units hereby approved and shall be retained thereafter.

To ensure the creation of a safe and secure environment in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 13) Unless in accordance with the details approved under reference 18/03533/DETAIL and the treatment of the rear 3rd storey described in the Design and Access Statement Addendum dated May 2019, no development shall be carried out on the land until details, including samples as appropriate, of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure a satisfactory appearance to the development and to comply with policy SP1 of the Core Strategy and policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 14) Unless in accordance with the details approved on 07.01.2019 under reference 18/03534/DETAIL, no development shall be carried out on the land until details of the green wall on the side elevation of the hereby approved building has been submitted to and approved in writing by the local planning authority. The details shall include: method of installation, management and maintenance. The green wall shall be installed prior to the first occupation of the building and thereafter maintained and managed in accordance with the approved details. Any part of the green wall which is removed, die, becomes severely

Development Control Committee - 16 January 2020

damaged or diseased within ten 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.

To enhance the visual appearance and green infrastructure of the area as supported by policies EN1 and GI1 of the Sevenoaks Allocation and Development Management Plan.

- 15) Unless in accordance with details approved on 07.01.2019 under reference 18/03536/DETAIL, no development shall be carried out on the land until full details of appropriate measures to enhance the biodiversity and nature conservation value of the site have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the approved details prior to the first occupation of the development.

In order to enhance the biodiversity value of the site in accordance with policy SP11 of the Core Strategy and policies EN1 and GI1 of the Sevenoaks Allocation and Development Management Plan.

- 16) The car parking spaces and turning areas as shown on the hereby approved plan PL.01/A shall be provided prior to first occupation of the building and kept available for such use at all times. No development shall be carried out on that area of land or to preclude vehicular access thereto. The car parking spaces shall be for the use of occupiers and visitors to the building only and shall not be reserved for specific individuals, companies or organisations.

To ensure the provision of adequate access and vehicle parking in accordance with policies EN1 and T2 of the Sevenoaks Allocation and Development Management Plan.

- 17) Unless in accordance with the details approved on 20.11.2018 under reference 18/02846/DETAIL, no development shall be carried out on the land until details for the installation of an electric vehicle charging point showing its proposed location, type and specification have been submitted to and approved in writing by the local planning authority. The electric vehicle charging infrastructure shall be installed in accordance with the details so approved prior to the first occupation of any of the residential units and shall be retained and maintained for use at all times.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocation and Development Management Plan.

Development Control Committee - 16 January 2020

- 18) Unless in accordance with the details approved on 20.11.2018 under reference 18/02847/DETAIL, no development shall be carried out on the land until full details of the secure cycle storage shown on the hereby approved drawing PL.01/A has been submitted to and approved in writing by the local planning authority. The cycle storage shall be provided in accordance with the details so approved prior to the first occupation of any part of the development.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

- 19) The refuse and recycling storage as shown on the hereby approved plan PL.01/A, shall be provided in accordance with the details so approved prior to the first occupation of any part of the development and retained as such thereafter.

To ensure satisfactory provision of refuse and recycling facilities and to safeguard residential amenity in accordance with policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

- 20) The commercial units as shown on approved plan no. PL.01/A hereby approved shall be used as Class A1 retail use only and for no other use.

In recognition of the location of the site within a protected retail frontage in the town centre and pursuant to policy L05 of the Sevenoaks Core Strategy and policy TLC2 of the Sevenoaks Allocation and Development Management Plan.

- 21) Prior to the first occupation of any of the hereby approved residential units a final Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include the appointment of a Travel Plan co-ordinator, targets for non-car modes of travel and details of the arrangements for promotion of the Travel Plan. The Travel Plan shall be implemented in accordance with the details so approved and monitored at yearly intervals and the results, including an annual report, together with any amendments to the Travel Plan, shall be submitted to the local planning authority.

To promote and encourage sustainable modes of transport, in accordance with policy SP1 of the Core Strategy and the National Planning Policy Framework.

- 22) The flat roofs hereby approved to the rear of the building (as demonstrated on drawing PL.04/D and PL.05/A and not annotated for use as a balcony or terrace) shall be accessed only for maintenance purposes.

Development Control Committee - 16 January 2020

To protect the privacy of the neighbouring buildings and to comply with policy EN2 of the Sevenoaks Allocation and Management Plan.

- 23) Notwithstanding the approved drawings, prior to the installation of any solar panels to the roof of the building, details of their design and appearance, including their projection from the roof, shall be submitted to and approved in writing by the local planning authority. The solar panels shall be installed only in accordance with the approved details.

To ensure the development preserves the character and appearance of the area and to comply with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

Informatives

- 1) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the viability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact broadband@kent.gov.uk.
- 2) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.
- 3) 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.

THE MEETING WAS CONCLUDED AT 9.21 PM

CHAIRMAN