

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 19 November 2020 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes, and Roy

Cllrs. Fleming and Thornton were also present.

118. Minutes

Resolved: That the Minutes of the Development Control Committee held on 22 October 2020, be signed by the Chairman as a correct record.

119. Declarations of Interest or Predetermination

Councillor Raikes declared that for Minute 121 - 20/02270/FUL - Little Wood, Woodland Rise, Sevenoaks KENT TN15 OHZ, Minute 127 - 20/02439/HOUSE - Montreal Cottage, Amherst Hill, Riverhead, Kent TN13 2EL and Minute 125 - 20/01569/HOUSE - Melsetter, Woodland Rise, Sevenoaks, Kent TN15 OHY, he had previously considered the matters when it was discussed by Sevenoaks Town Council Planning Committee but remained open minded.

Councillor Hogarth declared that he sat on Sevenoaks Town Council Planning Committee.

Councillor Perry Cole declared that for Minute 123 - 20/02296/FUL - Westwood Car and Commercial, Hartley Garage, Ash Road, Hartley Kent, DA3 8EL that he had called the item to Committee and would speak against the application, therefore he would not take part in the debate or voting thereon.

Councillor Coleman declared that for Minute 124 - 20/01809/HOUSE - 27 Truggers Cottages, Truggers Lane, Chiddingstone Hoath KENT TN8 7BP, that she had called the item to Committee at the request of the Parish Council but remained open minded.

Councillor Brown declared that for Minute 126 - 20/02294/HOUSE - Montreal Cottage, Amherst Hill, Riverhead KENT TN13 2EL, that he had called the item to Committee but remained open minded.

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120. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 122 - Little Wood, Woodland Rise, Sevenoaks, Kent, TN15 0HZ.

Councillor Perry Cole declared that he had been lobbied in respect of Minute 123 - Westwood Car and Commercial, Hartley Garage, Ash Road, Hartley Kent DA3 8EL

All Councillors, except for Councillors P. Darrington and Layland declared that they had been lobbied in respect of Minute 126 - Montreal Cottage, Amherst Hill, Riverhead Kent TN13 2EL

Councillors Hogarth and Raikes declared that they had been lobbied in respect of Minute 135 - Melsetter, Woodland Rise, Sevenoaks Kent TN15 0HY.

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 matter was considered without debate:

121. 20/02399/HOUSE - Somerset Lodge, 12 Westerham Road, Bessels Green KENT TN13 2PU

The proposal sought planning permission for a single storey rear extension. The application was referred to the Committee as the applicant was an employee of the Council.

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.

- 2) The materials to be used in the construction of the development shall match those stated on the application form.

To ensure that the appearance of the development is in harmony with the existing character of the property as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 1963-01, 1963-02, 1963-03, 1963-06, 1963-07.

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

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CHANGE IN ORDER OF AGENDA ITEMS

With the agreement of the Committee, the Chairman brought forward consideration of agenda item 4.6 - 20/01569/HOUSE - Melsetter, Woodland Rise, Sevenoaks Kent TN15 0HY to take place after agenda item 4.3 - 20/01809/HOUSE - 27 Truggers Cottages, Truggers Lane, Chiddingstone Hoath, Kent TN8 7BP.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

122. 20/02270/FUL - Little Wood, Woodland Rise, Sevenoaks KENT TN15 0HZ

The proposal sought planning permission for the demolition of existing dwelling house and garage and replacement with new dwelling house and garage and associated landscaping. The application had been called to the Development Control Committee by Councillor Thornton due to the impact to the Character and appearance of the Conservation Area.

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

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: Devi Abson

Parish Representatives: Town Cllr Rachel Parry

Local Member: Councillor Thornton

Members asked questions of clarification from the speakers and officers.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application noting the points raised by the Case Officer, Conservation Officer and the speakers. Members also discussed the design of the proposal.

The motion to refuse planning permission was put to the vote and it was lost.

It was moved and duly seconded that planning permission be granted on the grounds that the application would improve and enhance the conservation area and that delegated authority be granted to the Deputy Chief Executive and Chief Officer - Planning & Regulatory Services to draft planning conditions and informatives following consultation with the local ward members and Chairman of the Development Control Committee.

The motion was put to the vote and it was:

Resolved: That

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- 1) planning permission be granted; and
- 2) delegated authority be granted to the Deputy Chief Executive and Chief Officer - Planning & Regulatory Services to draft planning conditions and informatives following consultation with the local ward members and Chairman of the Development Control Committee.

123. 20/02296/FUL - Westwood Car And Commercial, Hartley Garage, Ash Road Hartley KENT DA3 8EL

The proposal sought planning permission for the Change of use of the rear part of the motor vehicle repair and MOT Centre from B2 (general industrial) to a mixed B2 and B8 use (to allow for storage and distribution). The application had been referred to the Committee by Councillor Perry Cole to consider the possibility of adverse effect on neighbouring residential properties amenities.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application: Alan Conroy
For the Application: Paul Nicholls
Parish Representatives: Vince Sewell
Local Members: Cllr Perry Cole

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application and noted the conditions which had been proposed.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to 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) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1. A preliminary risk assessment which has identified: - all

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previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a Principal aquifer within SPZ3. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater. Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

To comply with the National Planning Policy Framework paragraph 170.

- 3) No occupation of any part of the permitted development 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 to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a Principal aquifer within SPZ3. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater. Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

To comply with the National Planning Policy Framework paragraph 170.

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- 4) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

To reduce risk to controlled waters. There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

To comply with the National Planning Policy Framework paragraph 170.

- 5) The development hereby permitted shall not be commenced until such time as a scheme to connect the property to foul and or surface water drainage system has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by remobilised contaminants present in shallow soils/made ground in line with paragraph 170 of the National Planning Policy Framework.

- 6) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is 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.
- 7) To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by remobilised contaminants present in shallow soils/made ground in line with paragraph 170 of the National Planning Policy Framework.
- 8) Prior to the use of the containers details of the trees to screen the containers from the residents of Carmelite Way will be submitted to and approved in writing by the Local Planning Authority. Those details shall include:- planting plans (identifying new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation. Development shall then be carried out in accordance with the

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approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 9) The site shall only be open for customers between the hours of: 08:00 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and Bank Holidays.

To safeguard local amenities as supported by policy EN2 of the ADMP.

- 10) Prior to the use of the containers details shall be submitted to and approved in writing by the Local Planning Authority in respect to the lighting on site with details of external lights strength, location, direction and orientation. The external lighting shall only be illuminated within the hours of 08:00 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and Bank Holidays and shall be as agreed with the Local Planning Authority and shall be maintained thereafter.

To safeguard local amenities as supported by policy EN2 of the ADMP.

- 11) The containers hereby permitted shall not be refrigerated by any means.

To safeguard local amenities as supported by policy EN2 of the ADMP.

- 12) Within three months of this permission details shall be submitted to and approved in writing by the Local Planning Authority of an entry gate to the site to enable the site to be closed when the site is closed. The entry gate will be locked outside of the hours of opening. Development shall then be carried out in accordance with the approved details prior to the use of the containers hereby permitted. To safeguard local amenities as supported by policy EN2 of the ADMP.

- 13) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 02, 03
For the avoidance of doubt and in the interests of proper planning.

Informatives

- 1) KCC Highways informative:

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2) Environment Agency Guidance:

We note from the application form that surface water will be managed by the use of a soakaway. The site is located upon Clay-with-Flint superficial deposits which are relatively impermeable. The applicant should assess the viability of using a soakaway at this location. Additionally, the following points should be noted wherever infiltration drainage (such as soakaways) are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

Disposal of soil Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005

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- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

(Having spoken against the application as a registered speaker, Cllr Perry Cole left the room during consideration of this item and did not take part in the debate or voting thereon.)

124. 20/01809/HOUSE - 27 Truggers Cottages, Truggers Lane, Chiddingstone Hoath KENT TN8 7BP

The proposal sought planning permission for the construction of a detached timber framed outbuilding. The application had been referred to the Committee by Councillor Coleman over concerns on the harm to the Green Belt, the overbearing and dominating impact of the development, its impact upon the street scene and proximity of the development to the common boundary.

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

The Committee was addressed by the following speakers:

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|--------------------------|------------------|
| Against the Application: | Geoff Edden |
| For the Application: | Emma Gregson |
| Parish Representatives: | Cllr Mitzi Quirk |
| Local Members: | - |

Members asked questions of clarification from the speakers and officer. It was confirmed that 0.9m of the proposed building's roof line would be visible.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application giving consideration to the proposed height and location of the outbuilding and the impact this could have on the neighbouring properties.

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The motion to grant planning permission was put to the vote and it was lost.

It was moved and duly seconded that planning permission be refused on the grounds of location, elevations and its visual impact on neighbouring properties which would not conserve the AONB.

The motion was put to the vote and it was:

Resolved: That planning permission be refused on the following grounds

- 1) the impact, siting and design which would be visually prominent within AONB (policies EN1, EN5 of the ADMP and LO8 of the Core Strategy); and
- 2) the impact upon neighbours' amenity with an overbearing impact and loss of outlook due siting scale and bulk (Policy EN2 of the ADMP)

125. 20/01569/HOUSE - Melsetter, Woodland Rise, Sevenoaks KENT TN15 0HY

The proposal sought planning permission for the demolition of side extensions and detached double garage, erection of part two storey side extensions, part two storey/part single storey rear extension, link detached garage, alterations to the roof, enlarged porch and external alterations. The application had been referred to the Committee by Councillor Thornton who had reviewed the Wildernesse conservation area appraisal and considered that the proposed works appeared to conserve the character of the conservation area and appeared in accordance with local policy.

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

The Committee was addressed by the following speakers:

| | |
|--------------------------|---------------|
| Against the Application: | - |
| For the Application: | Emma Gregson |
| Parish Representatives: | - |
| Local Members: | Cllr Thornton |

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application.

The motion to refuse planning permission was put to the vote and was lost.

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It was moved and duly seconded that planning permission be granted and delegated authority be granted to the Deputy Chief Executive and Chief Officer, Planning and Regulatory Services for detailed conditions including material samples, joinery, rainwater goods, biodiversity mitigation measures.

Resolved: That

- 1) planning permission be granted subject to conditions; and
- 2) delegated authority be granted to the Deputy Chief Executive and Chief Officer, Planning and Regulatory Services to draw up the detailed conditions in consultation with the local member and Chairman of Development Control Committee.

126. 20/02294/HOUSE - Montreal Cottage, Amherst Hill, Riverhead KENT TN13 2EL

The proposal sought planning permission for the Erection of gates. The application had been referred to the Committee by Councillor Brown and Councillor Bayley for the consideration of compliance with the Riverhead Conservation Area Appraisal.

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

Members asked questions of clarification from the officers in regards to why the matter was before them as the gates could be erected under permitted development. The Council's Solicitor advised that it had been suggested that the listed status of Barrow Way Cottage would make the historic right of way over the Montreal Cottage also listed and therefore it needed planning permission. The Council's Solicitor confirmed that the right of way was in the curtilage of the applicant's cottage and therefore it had the same status as that property namely was unlisted.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application. Concerns were expressed to the height and material of the fence in the Conservation Area. It was noted that the applicants could put the fence in as part of Permitted Development.

The 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.

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

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- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 680.4.TP1 rev B, 680.4.TP2 rev B, 680.4.TP3 rev B and 680.4.TP4 rev B.

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

- 3) The materials to be used in the construction of the development shall be those indicated on the approved plan 680.4.TP4 rev B.

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.

127. 20/02439/HOUSE - 23 Eardley Road, Sevenoaks, KENT TN13 1XX

The proposal sought planning permission for a rear first floor extension. The application had been referred to the Committee by Councillor Fleming in relation to the impact of the development upon neighbouring amenity.

Members' attention was brought to the main agenda papers and late observation sheet which did not amended the recommendation.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representatives: Town Cllr Michaelides

Local Members: Cllr Fleming

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application and expressed concern that the proposal would have an impact on light to the neighbouring property and would not enhance the conservation area.

The motion to grant planning permission was put to the vote and it was lost. It was moved and duly seconded that planning permission be refused due to the proximity and height on the extension, the tunnelling impact and detrimental impact on the neighbouring property.

The motion was put to the vote and it was

Resolved: That planning permission be refused due to proximity and height of the extension, it would have a detrimental impact in terms of loss of light, tunneling impact upon the existing residential amenities of No.25 Eardley Road contrary to Policy EN2 of the ADMP and Sevenoaks Residential Extensions SPD.

THE MEETING WAS CONCLUDED AT 11.20 PM

CHAIRMAN