

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee held on 15 March 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Davison, Dickins, Gaywood, Ms. Lowe, McGarvey, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Underwood

Apologies for absence were received from Cllrs. Brown and Walshe

Cllrs. Ayres, Mrs. Davison, Hogarth and Mrs. Hunter were also present.

68. Minutes of previous meeting

Resolved: That the minutes of the meeting of the Development Control Committee held on 16 February 2012 be approved and signed by the Chairman as a correct record.

69. To receive any declarations of interest or predetermination in respect of items of business included on the agenda for this meeting.

Cllrs. Mrs Dawson and Piper declared personal interests in item 5.01 - SE/12/00024/FUL: Amity, Clenches Farm Lane, Sevenoaks TN13 2LX as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

Cllr. Miss. Thornton declared a personal interest in items 5.04 – SE/11/01735/FUL: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal and 5.05 - SE/11/03105/LBCALT: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal as the Local Member. She confirmed she would reserve her right to speak until the debate.

70. To receive any declarations of lobbying in respect of items of business included on the agenda for this meeting.

Cllr. Miss. Thornton declared she had general discussions with the applicant for items 5.04 – SE/11/01735/FUL: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal and 5.05 - SE/11/03105/LBCALT: Kentish Yeoman, The Kentish Yeoman, 10-12 High Street Seal.

71. Ruling by the Chairman regarding Urgent Matters

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The Chairman ruled that additional information received since the despatch of the agenda be considered at the meeting as a matter of urgency by reason of the special circumstances that decisions were required to be made without undue delay and on the basis of the most up to date information available.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

72. SE/12/00024/FUL Amity, Clenches Farm Lane, Sevenoaks TN13 2LX

The proposal was for the demolition of the existing property and detached garage and to replace it with a two storey (with further accommodation in the roof space), seven bedroom property. A detached garage was proposed to replace the existing detached garage sited in the south eastern corner of the plot.

The proposed dwelling was 3.3m taller than the current structure but there was significant boundary screening.

Officers considered that, on balance, the proposed replacement dwelling would not detract from the character and appearance of the street scene, or have a detrimental impact upon the amenities of the neighbouring properties. Any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of conditions.

The Committee was addressed by the following speakers:

Against the Application: Angus MecEskill

For the Application: Fred Robinson

Parish Representative: -

Local Member: Cllr. Mrs. Hunter

In response to questions Officers confirmed the proposal would create a density of between 6 and 7 houses per hectare. The floor levels of the proposed dwelling would be 3m below those of the neighbouring property, Martlets. It would be 31m from Martlets at its nearest point, 35m from the 1st floor and 37m from the dormer window.

Noting the comments of the neighbour, some Members proposed that, if approved, a condition should be added to protect the roots of the boundary hedge during construction.

Members were concerned that the proposal would be overbearing as it was a small site for the area. The proposed building was considerably taller than the existing bungalow and would cause a significant loss of privacy to neighbours. It would have a significant impact on the outlook and perspective of Martlets, particularly as there could be 5 visible windows.

It was **MOVED** by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted

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together with an additional condition to protect the roots of the boundary hedge during construction. The motion was put to the vote and there voted –

4 votes in favour of the motion

10 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by the Vice-Chairman and duly seconded:

“That planning permission be REFUSED for the following reason:

The proposal due to its height, scale and bulk would be inappropriate development for this site to the detriment of the local area. The height and scale of the proposal results in an overbearing impact on the residential amenities of neighbouring property Martlets. As such the proposal is contrary to saved policy EN1 of the Sevenoaks District Local Plan 2000.”

The motion was put to the vote and there voted –

10 votes in favour of the motion

4 votes against the motion

Resolved: That planning permission be REFUSED for the following reason:

The proposal due to its height, scale and bulk would be inappropriate development for this site to the detriment of the local area. The height and scale of the proposal results in an overbearing impact on the residential amenities of neighbouring property Martlets. As such the proposal is contrary to saved policy EN1 of the Sevenoaks District Local Plan 2000.

73. SE/11/03260/FUL Bridges Charity Café, Bridges, High Street, Edenbridge TN8 5AJ

Members were informed that this item had been WITHDRAWN from the agenda.

74. SE/11/03261/LBCALT Bridges Charity Café, Bridges, High Street, Edenbridge

Members were informed that this item had been WITHDRAWN from the agenda.

75. SE/11/01735/FUL Kentish Yeoman, The Kentish Yeoman, 10-12 High Street, Seal TN15 OAJ

It was noted that a Members' Site Inspection had been held for this application.

The proposal was for approval of the conversion of the existing public house into one 4 bedroom and one 3 bedroom dwelling, the conversion of the detached summer house into a two bedroom dwelling, the construction of two new dwellings to

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incorporate one 4 bedroom, and one 3 bedroom unit adjacent to the public house building, together with associated parking facilities.

Neighbouring properties were Grade II listed and it was noted that design features of the proposed new dwellings drew design elements from other buildings in the Conservation Area.

Officers considered that the proposed development would be acceptable in principle and would not have a significant impact on the Listed Buildings, the Conservation Area, street scene, neighbouring amenity, the Area of Outstanding Natural Beauty or highways safety. It would provide sufficient off-street parking and a provision for off-site affordable housing. Although the proposal would be deemed inappropriate development in the Green Belt, very special circumstances outweighed the harm from the proposal. An outbuilding would be removed from the rear of the site which was similar in floorspace to the extensions to the public house and summer house.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jamie Brady
Parish Representative:	-
Local Member:	Cllr. Hogarth

Officers confirmed that Policy LO7 resisted loss of local services where possible but there was an exception when the services were no longer financially viable. The pub had been shut for more than a year and had closed 4 times in 10 years. The applicant had made significant investment but the business was unsustainable. Some Members of the Committee believed the site could still be viable for other different services.

The local Member on the Committee welcomed the amended condition in the Late Observation Sheet regarding parking provision. Members proposed a further, clarifying amendment so condition 8 referred to accessible parking "for no fewer than" 11 vehicles.

The Committee was concerned by access to the properties by road. They proposed that fencing be approved by the Council to ensure it was not so high as to obscure vehicle visibility. Additionally they proposed appropriate signs be added inside the development to discourage reversing onto the High Street.

It was **MOVED** by the Vice-Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions and subject to completion of a section 106 obligation be adopted. This was subject to the amendments for "no fewer than" 11 vehicles in condition 8, the amendments in the Late Observations Sheet and the additional conditions about fencing and signs. The motion was put to the vote and there voted –

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10 votes in favour of the motion

4 votes against the motion

Resolved:

RECOMMENDATION A: That subject to the receipt of a signed and valid S106 Obligation to secure the off-site affordable housing contribution, that authority be delegated to the Community and Planning Services Director to GRANT planning permission with any required amendments to the conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

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

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

To maintain the integrity, character and settings of the Listed Buildings and to preserve the character and appearance of the Conservation Area as supported by Planning Policy Statement 5: Planning for the Historic Environment.

3) No development shall be carried out on the land until full details of soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and 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.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Soft landscape works shall be carried out before first occupation of the dwellings. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

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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 preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) The recommendations outlined within the Arboricultural Report dated 30th June 2011 shall be adhered to at all times during the period of construction.

To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.

7) No development shall be carried out on the land until full details of the surfacing within the root protection areas of the existing trees on the site and adjacent to it, and the construction of these areas, have been submitted to and approved in writing by the Council.

To ensure the long term retention of mature trees on the site as supported by Planning Policy Statement 9: Biodiversity and Geological Conservation.

8) No development shall take place until details of the layout of areas for the independently accessible parking for no fewer than 11 vehicles have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

To ensure a permanent retention of vehicle parking for the property as supported by policy EN1 of the Sevenoaks District Local Plan.

9) The development hereby permitted shall not be used or occupied until details of pedestrian visibility splays have been submitted to and approved in writing by the Council. The visibility splays shall be provided before the development is first used or occupied and thereafter shall be maintained free from obstruction at all times at a height not exceeding 0.6m above the level of the adjacent carriageway.

In the interest of pedestrian safety as supported by policy EN1 of the Sevenoaks District Local Plan.

10) No development shall be carried out on the land until a Construction Management Plan has been submitted and approved in writing by the Council. The plan should include the provision of on site parking and loading, and wheelwashing facilities. The development shall be carried out in accordance with the approved plan.

In the interests of highway safety and visual amenity as supported by policy EN1 of the Sevenoaks District Local Plan.

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11) Prior to the commencement of the development hereby approved, a scheme of acoustic insulation and mechanical ventilation shall be submitted to, and approved in writing by the Local Planning Authority. The scheme should provide the residential units with adequate protection against noise and air pollution, the later to include demonstrating that any alternative source of 'clean air' has acceptable or lower levels of pollution. The development shall be carried out in complete accordance with the approved details and shall thereafter be maintained as such.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Guidance 24: Planning and Noise.

12) No development shall be carried out on the land until the findings of the site investigations recommended within paragraphs 10.5 and 10.6 of the Phase 1 Geo Environmental Desk Study dated June 2011 have been submitted to and approved in writing by the Council.

To ensure a suitable living environment for future occupiers as supported by Planning Policy Statement 23: Planning and Pollution Control.

13) The existing detached outbuilding as shown on the approved plan 3656-PD-02 Revision C shall be demolished and all materials resulting therefrom shall be removed from the land before development commences, or within such period as shall have been agreed in writing by the Council.

To prevent over development of the site as supported by Planning Policy Guidance 2: Green Belts.

14) No boundary walls, fences or other means of enclosure, shall be erected on the site boundaries of the approved dwellings despite the provisions of any Development Order.

To maintain the integrity, character and setting of the Listed Buildings as supported by Planning Policy Statement 5: Planning for the Historic Environment.

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

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

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

To prevent inappropriate development in the Green Belt as supported by Planning Policy Guidance 2: Green Belts.

17) The development of the pair of semi-detached dwellings shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

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i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority. Achievement of Code level 3 must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

18) The development of the main pub building and summer house shall achieve a BREEAM Eco Homes 'refurbishment' minimum rating of "Very Good". Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve an Eco Homes Design Certificate minimum rating of "Very Good" or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved an Eco Homes post construction certificate minimum rating of "Very Good" or alternative as agreed in writing by the Local Planning Authority. Achievement of an Eco Homes rating of "Very Good" must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

19) The development hereby permitted shall be carried out in accordance with the following approved plans: 3656-PD-02 Revision C, 05 Revision A, 06 Revision B, 07 Revision C, 08 Revision A and 3656-04 Revision A.

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

20) No development shall be carried out on the land until details of fencing and boundary treatment have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area and in the interests of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

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21) No development shall be carried out on the land until signage within the application site discouraging vehicles to reverse out onto the public highway have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

In the interests of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

RECOMMENDATION B: In the event that the legal agreement is not completed within four weeks of the decision of the Development Control Committee, the application be REFUSED for the following reason:

The proposal would lead to a requirement to contribute towards affordable housing provision. In the absence of a completed Section 106 obligation to secure an appropriate level of affordable housing provision, the development would be contrary to policy SP3 of the Sevenoaks District Council Core Strategy.

76. SE/11/03105/LBCALT Kentish Yeoman, The Kentish Yeoman, 10-12 High Street, Seal TN15 OAJ

The proposal was for listed building consent approval of the conversion and division of the existing public house into one 4 bedroom and one 3 bedroom dwelling and the conversion of the detached summer house into a two bedroom dwelling.

Officers considered that the proposed development would not significantly impact the Listed Buildings. Consequently the proposal was in accordance with the development plan.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application: -

For the Application: -

Parish Representative: -

Local Member: Cllr. Hogarth

Officers clarified that there was not an absolute prohibition on works on listed buildings. Approval could be given after assessing the quality of the existing building against the proposals. Therefore the Conservation Officer was content with the modern outbuilding store being removed. All existing windows would be retained and refurbished.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report to grant listed building consent subject to conditions be adopted. The motion was put to the vote and there voted –

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12 votes in favour of the motion

3 votes against the motion

Resolved: That planning permission be GRANTED subject to the following conditions:-

1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.

In pursuance of section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby granted consent have been submitted to and approved in writing by the Council. The works shall be carried out using the approved materials.

To maintain the integrity, character and settings of the Listed Buildings as supported by Planning Policy Statement 5: Planning for the Historic Environment.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3656-PD-02 Revision C, 05 Revision A, 06 Revision B, 07 Revision C and 3656-04 Revision A.

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

THE MEETING WAS CONCLUDED AT 9.10 PM

CHAIRMAN