

## DEVELOPMENT MANAGEMENT COMMITTEE

Minutes of the meeting held on 7 December 2023 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice Chairman)

Cllrs. Baker, Ball, P. Darrington, Edwards-Winsor, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander and Williams

Apologies for absence were received from Cllrs. Bayley, Camp, Skinner and Varley

Cllrs. Perry Cole and Streatfeild were also present.

Cllr Barnett was also present via a virtual media platform which is not recognised as attendance under the Local Government Act 1972.

### 37. Minutes

Resolved: That the minutes of the meeting held on 16 November 2023 be approved, and signed by the Chairman as a correct record, subject to the addition of Cllr Malone's declaration of interest as another local Ward Councillor and remaining open minded in Minute 32.

### 38. Declarations of Interest or Predetermination

Cllr Silander declared for Minute 41 – 23/01853/FUL – Kingdom, Grove Road, Penshurst Kent TN11 8DU that he was a regular user of the site, but remained open minded.

### 39. Declarations of Lobbying

Cllr. Hogarth declared that he had been lobbied in respect of Minute 40 – 23/02299/FUL – Tor Na Coille, 1 Ashley Road, Sevenoaks Kent TN13 3AN

All Councillors declared that they had been lobbied in respect of Minute 41 - 23/01853/FUL – Kingdom, Grove Road, Penshurst Kent TN11 8DU  
RESERVED PLANNING APPLICATIONS

**The Committee considered the following planning applications:**

40. 23/02299/FUL - Tor Na Coille , 1 Ashley Road, Sevenoaks Kent TN13 3AN

The proposal sought planning permission for demolition of existing house and erection of 6 semi-detached houses with car parking and access drives to existing roads.

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The application had been referred to the Committee by been called to Development Management Committee by Councillor Skinner and Councillor Granville on the grounds of the impact on the street scene to Ashley Road and St Botolph's Road, the bulk and massing of the proposals in comparison to surrounding, contrary to the Sevenoaks Residential Character Area Assessment, the scale and site coverage of the development was out of keeping with the surrounding area, contrary to Sevenoaks Allocations and Development Management Plan Policy EN1, and concerns regarding changes in site levels.

Members' attention was brought to the main agenda papers and late observation sheet which recommended alteration to the wording of conditions 10 (ecological enhancements) and 12 (precautionary mitigation for priority species).

The Committee was addressed by the following speakers:

Against the Application:	Andrew House
For the Application:	Peter Price
Town Representative:	Town Cllr Michaelides
Local Members:	-

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 and late observations be agreed.

Members discussed the application considering, character, density and housing needs.

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.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 22-23-01, 22-23-02B, 22-23-03C, 22-23-04, 22-23-05, 22-23-06, 22-23-07, 22-23-09B, Tree Protection Plan.

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

3) Notwithstanding the approved drawings, the window(s) in the first floor side facing north and south elevation(s) of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

To safeguard the privacy of residents as supported by Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to the commencement of works on the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following: (a) Routing of construction and delivery vehicles to / from site; (b) Parking and turning areas for construction and delivery vehicles and site personnel; (c) Site working hours and timing of deliveries; (d) Site layout and security measures; (e) Provision of wheel washing facilities; (f) Temporary traffic management / signage; (g) measures to deal with noise and dust.

To ensure details of construction are provided in accordance with policies EN1 and T2 of the Allocations and Development Management Plan.

5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

In order to safeguard the visual amenities of the area and safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

6) Prior to the development reaching above damp proof course, details of the hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall

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include details of species, sizes and a planting and maintenance schedule. The approved hard landscaping details shall be implemented prior to first occupation of the dwelling hereby approved, and shall be carried out in accordance with the approved details. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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.

7) Prior to the development reaching above damp proof course, details of external materials will 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.

8) Prior to development reaching the damp proof course, details of the location and type of electrical charging points shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

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

9) The cycle parking and vehicular parking as shown on plan number 22-23-03C shall be implemented prior to the first occupation of the dwellings, hereby approved, and shall be thereafter retained.

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To encourage the use of low emissions vehicles and promote sustainable travel, and to provide satisfactory on-site parking in accordance with policy T2 and T3 of the Sevenoaks Allocations and Development Management Plan.

10) Within six months of works commencing on the site, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the dwellings, hereby approved, and shall be thereafter maintained.

In the interests of securing ecological enhancements in accordance with policy SP11 of the Core Strategy, the principles of the National Planning Policy Framework and policy L1 of the Sevenoaks Neighbourhood Plan.

11) The development, hereby approved, shall be carried out in accordance with the Tree Protection Plan and the recommendations and measures detailed in Sections 9-15 of the submitted Arboricultural Report by Sylvanarb dated February 2023.

To ensure the retained trees are adequately protected to preserve the character of the area, in accordance with policy EN1 of the Allocations and Development Management Plan.

12) From the commencement of works (including site clearance), the following precautionary measures will be implemented to avoid capture of hedgehog (a priority species): 1. Backfilling of trenches and other excavations will be undertaken before nightfall, or a ramp will be left to allow any animals to easily exit; 2. All excavations and trenches will be checked each morning throughout the construction period and prior to infilling; 3. All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

In the interests of conserving priority species in accordance with policy SP11 of the Core Strategy, the principles of the National Planning Policy Framework and policy L1 of the Sevenoaks Neighbourhood Plan.

13) Prior to occupation of the development, hereby approved, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will show the type and locations of proposed external lighting, as well as the expected horizontal and vertical light spill in lux levels, to demonstrate that areas to be lit will not adversely impact

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biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

In the interests of protecting biodiversity and avoiding a harmful artificial light spillage in accordance with policy SP11 of the Core Strategy, policy EN2 of the Allocations and Development Management Plan and the principles of the National Planning Policy Framework.

14) Prior to the first occupation of the development, hereby approved, the pedestrian visibility splays of 2 metres x 2 metres behind the footway on both sides of the access with no obstructions over 0.6m above footway level, and the vehicular visibility splays of 2.4 metres x 43 metres x 43 metres at the access with no obstructions over 1.05 metres above carriageway level within the splays shall be provided and thereafter maintained.

In the interest of highway safety.

15) No development shall commence until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan to ensure that there is a 10% net gain in biodiversity within a 30 year period as a result of the development have been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports shall be submitted to the Council during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management and Monitoring Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/(ies) responsible for its delivery.

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To ensure compliance with the Sevenoaks Town Neighbourhood Plan biodiversity net gain policy L1.

### 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) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been

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obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season<sup>1</sup> (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

### National Planning Policy Framework

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.



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For the comfort of Members and Officers, the Chairman adjourned the meeting at 7.40pm and the meeting resumed at 7.46pm

### 41. 23/01853/FUL Kingdom, Grove Road, Penshurst Kent TN11 8DU

The proposal sought planning permission for change of use of clubhouse D2 to E and events use at ground and lower ground floor, with first floor and roof levels for indoor and outdoor sport and events use (sui generis) and the erection of a sound control lobby on the south eastern elevation.

The application had been referred to the Committee by Councillor Streatfeild due concerns relating to impact of such use upon the existing residential amenity.

Members' attention was brought to the main agenda papers and late observation sheet which recommended changes to condition 6 and 7 and an additional condition, 13.

The Committee was addressed by the following speakers:

Against the Application:	Tom Bugeja
For the Application:	Pete Cornwell
Parish Representative:	Parish Cllr Richard Gerard-Sharp
Local Members:	Cllr Streatfeild

Members asked questions of clarification from the speakers and officers which focused on noise. In response to questions, Members were advised by the Environmental Protection Team Leader that he was satisfied by the conditions included were enforceable and that the Environmental Health Team would have sight of the noise management plans to ensure that they were satisfied with the measures being proposed to ensure noise would be acceptable in planning terms.

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

Members discussed the application, giving consideration to condition 6 regarding the number of events a year, noise management and traffic management.

It was proposed and duly seconded that proposed condition 6 be amended to a limit of 30 late night events.

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

Debate continued on the original motion.

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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 carried out in accordance with the following approved plans and details: 3034/05 Rev.01, A099 Rev.00, A0201 Rev.00

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

2) Within three months of the date of this permission, a noise management plan that incorporates noise mitigation measures as detailed in report 'Kingdom Penshurst - noise assessment and proposed mitigation' dated 16 June 2023, reference Ref Kingdom 230623.1CB and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Further details of the noise management plan shall include details of the following:

- Designation of an on-site management coordinator - to manage and review the plan;
- A process for recording and managing complaints relating to noise and disturbance;
- Installation of sound limiting system and or sound ceiling and other noise management mitigation measures with a schedule of timings of installation and maintenance;
- The management of visitors leaving the premises and clean-up operation.

Within one month or sooner of completion of the all mitigation measures as approved, a post-completion noise survey must be been undertaken with the venue operating with an agreed set up and at an agreed time (to be representative of the proposed use) by a suitably qualified acoustic consultant, and a verification report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set out in the Report. If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted and approved in writing by the Local Planning Authority and installed and tested prior to operation.

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The mitigation measures must be retained thereafter and any changes will require the approval of the Local Planning Authority in writing.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

3) Within three months of the date of this permission a car parking management plan that includes the demarcation of the existing on-site parking area(s) and timing of works shall, be submitted to and approved by in writing by the local planning authority. The on-site car parking area(s) shall be maintained and retained for this purpose throughout unless otherwise approved by the Local Planning Authority.

In the interest of highway safety as supported by Policies EN1, T2 of the Sevenoaks Allocations and Development Management Plan.

4) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order replacing or superseding this Order, the use of the building hereby permitted shall be limited to Class E and events use at ground and lower ground floor, with first floor and roof level for indoor and outdoor sport and events uses (Sui Generis) only.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

5) The number of persons attending any particular event(s) within the building shall be limited to a maximum of 150.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

6) The building shall be limited to only 52 late night events that function after 2100 hours on any day within a calendar year. The venue shall not exceed 150 people at any such late night event.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies

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EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

7) No event(s) which commence on Friday or Saturday shall take place outside the hours of 09:30 that day and 23:30, and no event which commences on any day between Sunday and Thursday will take place outside the hours of 09:00 that day and 23:00 the same day. All amplified and non-amplified music must cease by 23:00 hours on days between Sunday and Thursdays and 23:30 hours on Fridays and Saturdays.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

8) The openings in the façade of the building shall remain closed at all times during an event, when not immediately required for access/egress.

To mitigate against noise breakout from the building fabric and in order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

9) No further external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed and shall only be in use in connection with the hours of use of the building when in occupation.

In order to safeguard the amenities of the visual amenity in accordance with Policies EN1, EN5, EN6 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Core Strategy.

10) No live or amplified music, shall take place on the roof and other terraces of the building subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

11) The external roof and ground floor terraces of the building shall not be used by any person after 21:00 hours on any day unless it is for maintenance or emergency purposes only.

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In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

12) No fireworks shall be used on the site during events subject to this permission.

In order to safeguard the amenities of the occupiers of neighbouring properties and amenity of the National Landscape in accordance with Policies EN1, EN2, EN5, EN7 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Sevenoaks Core Strategy.

13) The existing festoon external lighting that serves the external roof and ground floor terrace(s) of the building shall not be illuminated after 21:30 hours on any day.

In order to safeguard the amenities of the visual amenity in accordance with Policies EN1, EN5, EN6 of the Sevenoaks Allocations and Development Management Plan and Policy LO8 of the Core Strategy.

THE MEETING WAS CONCLUDED AT 9.35 PM

CHAIRMAN