

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting of the Development Control Committee  
held on 30 June 2011 commencing at 7.00 pm

Present: Cllr. Mrs A Dawson (Chairman)

Cllr. G Williamson, Cllr. Mrs B Ayres, Cllr. R Brookbank, Cllr. C Brown, Cllr. C Clark, Cllr. R J Davison, Cllr. M Dickins, Cllr J Gaywood, Cllr Ms M Lowe, Cllr. P McGarvey, Cllr. Mrs F Parkin, Cllr. R Piper, Cllr. G Ryan, Cllr. J Thornton, Cllr. J Underwood and Cllr. R Walshe

Apologies for absence were received from. Cllr. P Cooke and Cllr. J Scholey

Cllr M Butler, Cllr. M Horwood and Cllr. Miss L Stack were also present.

### **23. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 9 JUNE 2011**

Cllr. Piper noted that he declared an interest in items 5.01 SE/11/00470/FUL and 5.02 SE/11/00471/FUL Green Coppers, Wildernesse Avenue, Sevenoaks, 5.03 SE/11/00370/FUL and 5.04 SE/11/00371/CAC Fairlawn, Wildernesse Avenue, Sevenoaks, 5.10 SE/10/03498/FUL 81 High Street and The Shambles, Sevenoaks and 5.11 SE/11/00102/FUL Land adj to 1 & 2 Shacklands Cottages, Shacklands Road, Shoreham, Sevenoaks, rather than Item 5.08.

Resolved: That the minutes of the meeting of the Development Control Committee held on 9 June 2011, as amended, be approved and signed by the Chairman as a correct record.

### **24. DECLARATIONS OF INTEREST OR PREDETERMINATION**

Cllrs. Mrs. Dawson and Piper declared personal interests in item 5.01 SE/11/00776/FUL Sealcot, Seal Hollow Road, Sevenoaks as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

Cllr. McGarvey declared a personal interest in item 5.04 E/11/01105/PART11 Eynsford Railway Station, Station Road, Eynsford as acting Deputy Clerk of Eynsford up to 4 years ago.

### **25. DECLARATIONS OF LOBBYING**

Cllr. Walshe declared that he had been lobbied in respect of item 5.01 SE/11/00776/FUL Sealcot, Seal Hollow Road, Sevenoaks.

Cllrs. Davison and Ryan declared that they had been lobbied in respect of item 5.02 SE/11/00966/FUL Stag Cottage, Ryewell Hill, Chiddingstone Hoath Chiddingstone.

26. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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.

27. **SE/11/00776/FUL SEALCOT, SEAL HOLLOW ROAD, SEVENOAKS TN13 3SH**

The report advised that the proposal was for approval of the demolition of the existing bungalow and the erection of a two storey detached dwelling.

It was noted that the report had been referred to Committee because the Officer's recommendation was at variance to the view of the Town Council and at the request of Cllr. Walshe who had concerns that the proposal could potentially have a detrimental impact upon neighbouring amenity.

Officers stated that the scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality. Any potentially significant impact on the amenities of nearby dwellings could be satisfactorily mitigated by way of the conditions imposed. Consequently the proposal was in accordance with the development plan.

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: Rosmary Dally

For the Application: Jackie Andrews

Parish Representative: Cllr. Mrs. Walshe

Local Member: -

During consideration of this item Members noted the neighbour's concerns at loss of light and that, being on a higher level, Sealcot could overlook Thornwood. Officers clarified that light was still available under the 45 degrees test. Officers also believed the conditions for obscure and non-opening windows would reduce overlooking.

A Member pointed out that although the closest point of the proposed dwelling would be further away from Thornwood, the change in orientation meant the average distance away was approximately the same as before.

It was MOVED by the Chairman that the recommendation in the report be adopted subject to the inclusion of the additional condition set out in the Late Observations sheet. The motion was put to the vote and there voted –

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 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 shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 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 dwelling. 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.

- 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) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

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

- 7) The garage and hard standing to the front of the house shown on the approved drawing number 10120-PL02 Rev B and 03 Rev B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the garage and hard standing to the front of the house.

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

- 8) The first floor windows in the south flank elevation of the dwelling shall be obscure glazed and non openable, apart from any top hung lights, at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 11) No development shall take place until details of the existing levels of the land, any proposed slab levels and any changes in levels have been submitted for approval. The development shall be carried out in accordance with the approved details.

To safeguard the amenities of the occupiers of properties adjacent to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

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 & Policy NR1 of the Kent & Medway Structure Plan.

- 13) The development hereby permitted shall be carried out in accordance with the following approved plans: ORD SURV, 10120-PL01, 02 Rev B, 03 Rev B and 04 Rev B.

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

- 14) The turning area to the front of the house shown on the approved drawing number 10120-PL02 Rev B shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the turning area.

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

#### **Informatives**

- 1) The applicant should be aware that it may be necessary for the entrance of the new dwelling to have a ramp installed up to it to comply with Building Regulations. If this is the case the applicant is encouraged to contact the planning department at the Council to check whether planning permission is required for the ramp.

#### **28. SE/11/00966/FUL STAG COTTAGE, RYEWELL HILL, CHIDDINGSTONE HOATH CHIDDINGSTONE TN8 7BN**

The report advised that the application was to demolish the bungalow and detached garage and replace it with a two storey five bedroom property, similarly sited to front the road but set back slightly from the existing bungalow.

It was noted that the report had been referred to Committee by Cllr. Cooke, who considers the design and bulk of the proposed replacement dwelling to be contrary to Local Plan policies.

Officers stated that the proposed scheme complied in principle with PPG2 and Policy H13 of the Sevenoaks District Plan. It was not considered to detract from the openness of the Green Belt, or from the visual amenities of the street scene or Area of Outstanding Natural Beauty. The proposal therefore also complied with Policy EN1 of the Local Plan and SP1 of the Core Strategy.

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: Tracey Tulk

For the Application: Rob Ranson

Parish Representative: -

Local Member: -

Officers submitted to Members the objections of the Parish Council. They had stated that the scheme was not well designed with minimal visual intrusion or compatible with the scale and density of the area. They were also concerned by the loss of amenity to neighbouring properties and the possible light pollution from its prominent place on the edge of the hamlet.

A Member spoke to the Committee of behalf of the Local Member who sat on the Committee but was not present. The Local Member was concerned that the building was unsympathetic with the area and thought the screening would be inadequate in Winter.

During consideration of this item Officers clarified that the placing of buildings in 1936/37 and the 1960s indicated on balance that they existed in 1948. Several Members were concerned they could not be certain of whether outbuildings were in residential use in 1948.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

9 votes in favour of the motion

7 votes against the motion

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

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) The first floor window(s) in the south west facing side elevation(s) shall be obscure glazed at all times.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 4) Prior to the commencement of the development hereby approved, details showing the use of anti-glare glazing to the south eastern side elevation to control any light pollution resulting from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and thereafter maintained as such.

In the interests of residential amenity and the visual amenity of the area in accordance with Policy EN1 of the Sevenoaks Local Plan.

- 5) No development shall be carried out on the land until samples of the materials to be used in the construction of the hardstanding (drive way) hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To safeguard the appearance of the area.

- 6) No development shall be carried out on the details of the proposed new access gates and fencing hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

To safeguard the appearance of the area.

- 7) No window(s) or other opening(s) shall be inserted at any time in the south west elevation(s) of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

To prevent inappropriate development in the Green Belt and unacceptable impact upon the Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 9) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To prevent inappropriate development in the Green Belt and unacceptable impact upon the Area of Outstanding Natural Beauty as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 10) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

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.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Planning Policy Statement 1 and Policy SP2 of the Core Strategy.

- 11) The development hereby permitted shall be carried out in accordance with the levels shown on drawing 4151-PD-002 Rev A.

In the interests of visual amenity and residential amenity, as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 12) The development hereby permitted shall be carried out in accordance with the following approved plans: 4151-PD-001 A, 4151-PD-002 A, 4151-PD-003 A, 4151-PD-004 A, Site Survey r854.

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

***At 8.52 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.00pm.***

**(a) SE/11/01277/FUL Longmynd, Greenlands Road, Kemsing TN15 6PG**

The report advised that the proposal was for the retrospective replacement of a garage and utility room incorporating a new WC. This was a resubmission of SE/10/03230/FUL.

It was noted that the report had been referred to Committee by Cllr. Miss. Stack who feels that the development is appropriate in the Green Belt as there are very special circumstances which outweigh the policy objection.

Officers stated that the development was inappropriate and harmful to the maintenance of the character of the Green belt and to its openness. No very special circumstances had been put forward that outweighed this harm. This conflicted with policies SP5 of the South East Regional Plan, LO8 of the Sevenoaks Core Strategy and H14B of the Sevenoaks District Plan.

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: Lee Woodward



Parish Representative: Cllr. Croughton  
Local Member: Cllrs. Butler and Miss. Stack

In response to questions Officers clarified that according to existing policies development should either be appropriate development or Permitted Development, unless exceptional circumstances were shown.

Some Members believed the application could constitute urban sprawl and no exceptional circumstances had been shown. Other Members noted that the applicants had apparently made a mistake and that it appeared that the increase in height was minor.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

3 votes in favour of the motion  
9 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. Brookbank and duly seconded:

“That planning permission be GRANTED for the following reason:  
the as built development represents a very modest increase in height in comparison with the pre-existing structure and as such any additional harm to the openness of the green belt is considered to be inconsequential.”

The motion was put to the vote and there voted –

9 votes in favour of the motion  
3 votes against the motion

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

the as built development represents a very modest increase in height in comparison with the pre-existing structure and as such any additional harm to the openness of the green belt is considered to be inconsequential.

**(b) SE/11/01105/PART11 Eynsford Railway Station, Station Road, Eynsford DA4 0HP**

The report advised that the application sought to replace the existing railway footbridge.

It was noted that the report had been referred to Committee by Cllr. Horwood as he felt the size and scale of the bridge was incompatible with the surrounding area.

Officers stated that the proposal was acceptable in terms of siting and appearance and therefore recommended that prior approval be given for the development..

The Committee was addressed by the following speakers:

Against the Application: -  
For the Application: Helen Milner  
Parish Representative: Cllr. Dr. Harris  
Local Member: Cllr. Horwood

Several Members were concerned that the standard design for the footbridge did not fit into the setting of Eynsford. They noted the Parish Council and Local Member's views that it was not a very open design but was large and would be widely visible because it was exposed. They believed it would not be in keeping with the surrounding area.

At 10.27 p.m. it was MOVED by Cllr. McGarvey and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda.

The motion was put to the vote and there voted –

9 votes in favour of the motion

1 vote against the motion

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

It was MOVED by the Chairman that the recommendation in the report be adopted. The motion was put to the vote and there voted –

1 vote in favour of the motion

11 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED by Cllr. McGarvey and duly seconded:

“That an objection be raised as the siting, appearance and design would be unsympathetic to the area.”

The motion was put to the vote and there voted –

8 votes in favour of the motion

1 votes against the motion

Resolved: That an objection be raised as the siting, appearance and design would be unsympathetic to the area.

THE MEETING WAS CONCLUDED AT 10.33 AM

CHAIRMAN