

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting of the Development Control Committee held on 19 April 2012 commencing at 7.00 pm

Present: Cllr. Mrs. Dawson (Chairman)

Cllr. Williamson (Vice-Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Davison, Gaywood, Mrs. Parkin, Piper, Scholey, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Dickins, Ms. Lowe and McGarvey

Cllrs. Ayres, Mrs. Davison and Neal were also present.

79. Request to Record the Meeting

The Chairman advised Members that a request had been received to record the audio of proceedings of the Committee in respect of item 5.1 - SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR. The Democratic Services Officer advised that under Part 2 Paragraph 29.3 of the Sevenoaks District Council Constitution the consent of Members present at any meeting shall be required before any person may record, broadcast or photograph proceedings at the meeting.

In her experience the Chairman could not recall such a request before. Although the request had suggested that it was usual for local authorities to record meetings, following research both nearby, through the county and more widely she found this not to be the case. She commented that giving permission could set a precedent for all Committees. If allowed, it would be best practice for the Council to make a recording and transcript of the meeting itself for which there were cost implications. She added that minutes were more widely written since the item was last considered by the Committee. She moved that the request be refused.

A Member felt that it would be appropriate to allow the recording given the drive for greater transparency in the public sector. He felt it was unnecessary for the Council to produce its own audio recording and that the request was understandable given the complications the last time the matter was considered.

Another Member suggested that the Council should have a clear policy in general on whether or not to allow recordings. However it was unsuitable to decide on a new policy on this occasion.

Resolved: That permission to record the meeting of the Development Control Committee be refused.

80. Minutes of previous meeting

Development Control Committee - 19 April 2012

Resolved: That the minutes of the meeting of the Development Control Committee held on 15 March 2012 be approved and signed by the Chairman as a correct record.

81. Declarations of Interest or Predetermination

Cllrs. Mrs. Dawson and Piper declared personal interests in item 5.1 - SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

82. Declarations of Lobbying

All Members of the Committee, except Cllr. Williamson, declared that they had been lobbied in respect of item 5.1 - SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR.

83. Ruling by the Chairman regarding Urgent Matters

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.

Unreserved Planning Applications

There were no public speakers against the following items. Therefore, in accordance with Part 7 3.5(e) of the constitution, the following matters were considered en bloc:

84. SE/11/02706/FUL - Ludwells Farmhouse, Spode Lane, Cowden, Kent TN8 7HN

The report advised that permission was sought for approval of the erection of a two storey side extension to the main house, a link addition to the rear and a separate two storey addition. Approval was also sought for a basement area under the proposed rear extension and terrace area, the conversion of an existing former store building to provide additional accommodation and the demolition of a number of existing outbuildings on the site with the erection of a single detached outbuilding.

It was MOVED by the Chairman that the recommendation in the report be adopted.

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

Development Control Committee - 19 April 2012

extension and outbuilding hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

3) No development shall be carried out on the land until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

4) No development shall be carried out on the land until a detailed method statement has been submitted to and approved in writing by the Council. The method statement shall include the works required for the underpinning of the walls and chimney of the house, the works required for the lowering and tanking of the ground floor, and the works proposed at the junction of the original house and the extension. The development shall be carried out using the approved statement and shall be completed before the first occupation of the extension hereby permitted.

To conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

5) No development shall take place until a method statement in accordance with The Ecology Consultancy Bat and Reptile Report of 3rd November 2011 has been submitted to and approved in writing by the Council demonstrating how and when building works would take place taking into account the presence of protected species and including all enhancements proposed. The development shall be carried out in accordance with the approved statement.

To ensure the long term retention of protected species on the site as supported by the National Planning Policy Framework.

6) No external lighting shall be installed on the building or surrounding land until details regarding a lighting scheme which is sensitive to bats have been submitted to and approved in writing by the Council. The development should be carried out using the agreed lighting scheme and no additional lighting shall be permitted despite the provisions of any Development Order.

To ensure that the development does not significantly harm bats that may inhabit the area as supported by the National Planning Policy Framework.

7) The existing derelict stables, paint store, garage, office containers, services and store as shown on the approved plan H10-907-007 Revision A shall be demolished and all materials resulting therefrom shall be removed

Development Control Committee - 19 April 2012

from the land before development commences, or within such period as shall have been agreed in writing by the Council.

To prevent inappropriate development in the Green Belt as supported by policy H14B of the Sevenoaks District Local Plan.

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

To prevent inappropriate development in the Green Belt as supported by policy H14A of the Sevenoaks District Local Plan.

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

To prevent inappropriate development in the Green Belt as supported by policy H14B of the Sevenoaks District Local Plan.

10) The converted Apple Store shall not be occupied at any time other than for purposes ancillary to the residential use of Ludwells Farmhouse.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework.

11) The development hereby permitted shall be carried out in accordance with the following approved plans: H10-907-001 Revision A, 002, 003, 004, 005 Revision A, 006, 007 Revision A, 010 Revision A, 011 Revision A, 012 Revision E and 013.

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

85. SE/11/02707/LBCALT - Ludwells Farmhouse, Spode Lane, Cowden TN8 7HN

The report advised that permission was sought for approval of the erection of a two storey side extension to the main house, a link addition to the rear and a separate two storey addition. Approval was also sought for a basement area under the proposed rear extension and terrace area and the conversion of an existing former store building to provide additional accommodation.

It was MOVED by the Chairman that the recommendation in the report be adopted.

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.

Development Control Committee - 19 April 2012

2) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the extension 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 conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

3) No works shall take place until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details.

To conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

4) No works shall take place until a detailed method statement has been submitted to and approved in writing by the Council. The method statement shall include the works required for the underpinning of the walls and chimney of the house, the works required for the lowering and tanking of the ground floor, and the works proposed at the junction of the original house and the extension. The development shall be carried out using the approved statement and shall be completed before the first occupation of the extension hereby permitted.

To conserve the significance of the Listed Building as supported by the National Planning Policy Framework.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: H10-907-001 Revision A, 002, 003, 004, 005 Revision A, 006, 007 Revision A, 010 Revision A, 011 Revision A, 012 Revision E and 013.

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

Reserved Planning Applications

The Committee considered the following planning applications:

86. SE/10/02793/FUL - 31 Serpentine Road, Sevenoaks TN13 3XR

The Officers referred Members to the report which advised that the proposal was for approval of the erection of a new dwelling to the rear of the main house replacing a previously demolished annexe building. The dwelling would be L-shaped, with the front elevation facing a northerly direction and with an integral garage projecting to the front of the property. Access to the new house would continue to be from the entrance to the site, adjacent to 31 Serpentine Road, and along a driveway which ran along the northern boundary.

The proposal was unamended from the last time it was presented to the Committee. The Committee was directed to the details, as set out in the report, of the application

Development Control Committee - 19 April 2012

for judicial review of the Development Control Committee's resolution on 17 February 2011 to grant planning permission SE/10/02793/FUL. The members were reminded that the Council had reached a settlement with the Claimant and that the planning application was before them for redetermination.

Officers considered that the principle of the development was acceptable. In addition the proposed house would preserve the character and appearance of the area and neighbouring amenity. Therefore the proposal was considered to be in accordance with the development plan.

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

The Committee was addressed by the following speakers:

Against the Application:	Rachel Wray
For the Application:	Louise Wesson
Parish Representative:	Cllr. Mrs. Walshe
Local Member:	-

In response to a question Officers clarified that the National Planning Policy Framework stated that local planning authorities should consider the case for setting out policies against inappropriate development of gardens. However the National Planning Policy Framework did not consider all development of gardens, by definition, as inappropriate.

The Chairman advised that due regard ought to be given to the National Planning Policy Framework.

Some Members believed that the proposed dwelling was excessively larger than the chalet granted permission under application SE/09/01132. Members were concerned that the size and scale of the proposed dwelling would not be appropriate and that there would be an adverse impact on amenities. They drew attention to views of the development from Serpentine Court and also Kennedy Gardens from where the development would be more prominent since the high hedge adjoining the boundary had been removed. Additionally the rear balcony would create unacceptable overlooking of the neighbouring properties. These Members considered that the proposed development would, to an unacceptable extent, have a greater impact than the approved scheme in overlooking adjoining properties.

The Local Member agreed with the views of the Town Council representative that the mansard roof and painted render finish would be out of keeping with the surrounding area.

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.

It was proposed that there be additional conditions for the bathroom window overlooking 4 Serpentine Court to be opaque, together with other windows as to be

Development Control Committee - 19 April 2012

agreed between Officers and the Local Member. These amendments to the motion were agreed.

The motion was put to the vote and there voted –

6 votes in favour of the motion

7 votes against the motion

The Chairman declared the motion to be LOST.

It was then MOVED and duly seconded:

“That planning permission be REFUSED for the following reasons:

1) The form of the proposed dwelling, on account of its inappropriate height, scale, siting, design and materials, would be out of keeping with the character of the surrounding area. This conflicts with policy EN1 of the Sevenoaks District Local Plan and paragraph 53 of the National Planning Policy Framework.

2) The proposal would create an undesirable form of development in that it would harm the residential amenities enjoyed by the residents of 4 & 5 Serpentine Court and the residents of 67, 76, 77, 78 & 79 Kennedy Gardens, both by the loss of privacy and overlooking caused by the first floor bedroom windows and the proposed balcony. This conflicts with policy EN1 of the Sevenoaks District Local Plan and paragraph 53 of the National Planning Policy Framework.”

The motion was put to the vote and there voted –

7 votes in favour of the motion

4 votes against the motion

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

1) The form of the proposed dwelling, on account of its inappropriate height, scale, siting, design and materials, would be out of keeping with the character of the surrounding area. This conflicts with policy EN1 of the Sevenoaks District Local Plan and paragraph 53 of the National Planning Policy Framework.

2) The proposal would create an undesirable form of development in that it would harm the residential amenities enjoyed by the residents of 4 & 5 Serpentine Court and the residents of 67, 76, 77, 78 & 79 Kennedy Gardens, both by the loss of privacy and overlooking caused by the first floor bedroom windows and the proposed balcony. This conflicts with policy EN1 of the Sevenoaks District Local Plan and paragraph 53 of the National Planning Policy Framework.

Development Control Committee - 19 April 2012

Cllr. Brown entered the meeting during the debate and therefore did not participate in the debate or voting.

THE MEETING WAS CONCLUDED AT 8.15 PM

CHAIRMAN