

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 28 June 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, Orridge, Mrs. Parkin, Piper, Scholey, Miss. Thornton and Walshe

Apologies for absence were received from Cllrs. Brown and Underwood

Cllrs. Ayres, Ball, Mrs. Davison, Firth, Hogarth, Mrs. Morris, Mrs. Purves, Mrs. Sargeant and Searles were also present.

19. Chairman's Announcements

The Chairman announced to the Committee the death of Mr Frank Marshall. Though not a Councillor he had attended many meetings of the Development Control Committee and its predecessors and was a founding member of the Sevenoaks Society. She asked that he be remembered for all he did for planning in Sevenoaks Town and District.

20. Minutes

The Committee agreed to remove the comment from page 11 of the minutes that "A Member stated that overdevelopment for the size of the plot was the view of most Members".

Resolved: That the minutes of the meeting of the Development Control Committee held on 24 May 2012, as amended, be approved and signed by the Chairman as a correct record.

21. Request to Record the Meeting

The Chairman informed Members that a request had been received to record the audio of proceedings of the Committee in respect of item 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH. In response to a question, the Democratic Services Officer advised that Members were not obliged to consider each request they received to record proceedings. However Officers were prepared to record the meeting themselves, if necessary.

The Chairman reminded Members that the planning considerations for the item in question were similar to those for SE/10/02793/FUL 31 Serpentine Road, Sevenoaks TN13 3XR, which had been the last request to record the meeting.

A Member felt that a clear precedent had been set by the Council's previous decision to refuse permission to record.

22. Declarations of Interest or Predetermination

Cllr. Mrs. Ayres declared that she knew the applicant for item 5.7 SE/12/00189/FUL - Aspen Lodge, College Road, Hextable Kent BR8 7LT but believed she was not prejudicially interested in the matter.

Cllr. Brookbank clarified that, although he lived in the road for items 5.4 SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent and 5.5 SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent his house was approximately 1 mile from the site.

Cllrs. Mrs. Dawson and Piper declared personal interests in items 5.1 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU, 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH and 5.3 SE/12/00307/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH as dual hatted members of both the District Council and Sevenoaks Town Council, which had already expressed views on the matter.

23. Declarations of Lobbying

Cllrs. Gaywood, Miss. Thornton, Walshe and Williamson declared that they had been lobbied in respect of item 5.1 - SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU.

All Members of the Committee, except Cllrs. Dickins and Miss. Thornton, declared that they had been lobbied in respect of item 5.2 - SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH.

Cllr. Williamson additionally declared that he had been lobbied in respect of item 5.5 - SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent.

24. 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:

25. SE/12/01116/FUL - Scollops Farm, Yorks Hill, Ide Hill TN14 6LG

The proposal sought an amendment to an existing permission and would introduce 2 small roof dormers at 1.5m wide, set within each flank roof slope, with a small hipped roof above. The dormer to the north elevation would replace two roof lights and the dormer to the south would replace one.

Officers considered that the dormers would result in little over 0.5m² increase in internal floor area, which they believed negligible. The changes would not have an unacceptable impact on the openness of the Green Belt or the character and appearance of the Area of Outstanding Natural Beauty.

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: 10-11-32A, 11.92.100 and 10.11.31.

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

3) The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

Because of the very special circumstances of the case as supported by Government advice in the form of the National Planning Policy Framework.

4) Unless in accordance with the materials approved under planning reference SE/12/00473/DETAIL, no further development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. 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 dwelling as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Unless in accordance with the details approved under planning reference SE/12/00474/DETAIL, notwithstanding any details of the drawings approved, no development shall be carried out on the land until full details of all hard and soft landscape works and means of enclosure to be erected have been submitted to and approved in writing by the Council. Those details shall include:-details of materials for all hardsurfaces;

-planting plans (identifying existing planting in the immediate vicinity of the proposed dwelling, 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 means of enclosure to delineate the curtilage of the dwelling. The hard and soft landscaping and means of enclosure shall be carried out in accordance with the approved details prior to occupation of the development or in accordance with a

programme of implementation which shall have been agreed in writing prior to commencement of works. The means of enclosure shall be retained as approved thereafter.

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

6) 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 safeguard the visual appearance of the area as supported by EN1 of the Sevenoaks District Local Plan.

7) The parking and turning areas shown on the approved 1:500 site plan shall be constructed before the dwelling is occupied and shall be retained for such use thereafter.

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

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or external alterations shall be carried out to the dwelling hereby approved and no building or enclosure other than those on the approved plans shall be erected within the site.

To prevent inappropriate development in the Green Belt as supported by the National Planning Policy Framework and H14A of the Sevenoaks District Local Plan.

9) No external illumination shall be installed until details have been submitted to and approved in writing by the local planning authority. The installation shall be carried out in accordance with the approved details.

In the interests of the impact on protected species and residential amenity as supported by policies EN17B and EN1 of the Sevenoaks District Local Plan.

10) The development hereby permitted shall be carried out as an alternative to the permission granted under reference SE/11/00110/FUL but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.

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

Reserved Planning Applications

The Committee considered the following planning applications:

26. SE/12/00444/FUL - Woodland Chase, Blackhall Lane, Sevenoaks TN15 0HU

Development Control Committee - 28 June 2012

The meeting was reminded that the item had been deferred from the previous meeting of the Development Control Committee on 24 May 2012. following the rejection of the Officer's recommendation to grant permission. Since then the applicants had lodged an appeal on the grounds of non-determination. The Committee still needed to decide how it would have determined the application so that it could respond to the appeal.

It was MOVED by Cllr. Miss. Thornton and duly seconded:

“That had the Council been able to determine the application planning permission would have been REFUSED on grounds of overdevelopment, detrimental impact on neighbouring properties and adverse impact on the street scene contrary to Core Strategy Policy SP1 and Local Plan Policy EN1.”

The mover of the motion suggested that the recent court case of R (Coupland) v Peterborough City Council allowed a decision to stand alone from its planning history if previous permissions had lapsed. An Officer advised that previous decisions and guidance are material factors, though there would be a question of the weight given to them, which depended on how much time had passed and how different those decisions were to the application in question.

A Member explained his concern was that the permission previously granted on appeal was across a significantly larger site. The density of the present application site would be greater than the overall density of the appeal decision.

The Chairman reminded the Committee that those who opposed the Officer recommendation would be expected to submit statements for the appeal

A request for a recorded vote was duly made and there voted

8 votes in favour of the motion

(Cllrs. Mrs. Ayres, Clark, Cooke, Gaywood, Mrs. Parkin, Piper, Miss. Thornton and Walshe)

7 votes against the motion

(Cllrs. Brookbank, Davison, Mrs. Dawson, McGarvey, Orridge, Scholey and Williamson)

2 abstentions

(Cllrs. Dickins and Ms. Lowe)

Resolved: That had the Council been able to determine the application planning permission would have been REFUSED on grounds of overdevelopment, detrimental impact on neighbouring properties and adverse impact on the street scene contrary to Core Strategy Policy SP1 and Local Plan Policy EN1.

27. SE/10/02625/OUT - Summerhill and Dawning House, Seal Hollow Road, Sevenoaks TN13 3SH

Development Control Committee - 28 June 2012

The proposal sought the demolition of the existing two houses and replacement with four detached units. The application was an outline submission with access and layout to be considered at this stage, whilst appearance, landscaping and materials were reserved matters. Indicative plans had been submitted.

The application had been considered by the Development Control Committee on 17 February 2011 and approved, subject to the receipt of a completed legal agreement. The legal agreement was now in an agreed format and the Affordable Housing contribution was sufficiently secured. The report had been updated from the one previously considered in the light of developments since then, particularly as the proposal involved development in residential gardens.

Officers considered that the proposed dwellings would preserve the character and appearance of the area, neighbouring amenity and highways safety, would provide sufficient off-street parking and would not significantly impact upon protected trees. Consequently the proposal was in accordance with the development plan.

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

The Committee was addressed by the following speakers:

Against the Application:	Ms. Annetts
For the Application:	Mr. Adeleye
Parish Representative:	-
Local Member:	Cllr. Mrs. Purves

In response to a question Officers confirmed the the present application would increase density from 5 to 10 dwellings/ha whereas Cleve, adjacent to the property on the north, had a density of 4 dwellings/ha.

The Local Member, who sat on the Committee, highlighted that the report accepted development would mainly be carried out on private residential gardens, on land not previously developed. He felt insufficient consideration had been given to this. He was also concerned by the low provision of off-site Affordable Housing contributions and requested extra consideration be given to soft-landscaping conditions.

Some other Members of the Committee suggested that the proposal constituted overdevelopment of the site. However it was noted the Sevenoaks Core Strategy only required 60% of development to be on brownfield.

It was MOVED by the Vice-Chairman and was duly seconded that the two recommendations in the report to be adopted.

Officers requested that condition 14 be amended to state "No development save for development connected with the provision of the access road shall take place on the land until the access road has been provided in accordance with the approved plan, drawing number 0946-PL123 Rev. C." This was accepted by the mover and seconder of the motion.

The motion was put to the vote and there voted –

11 votes in favour of the motion

5 votes against the motion

Resolved:

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

1) Details relating to the scale and appearance of the proposed buildings, and the landscaping of the site, (hereinafter called the "reserved matters"), shall be submitted to and approved in writing by the District Planning Authority before any development is commenced and the development shall be carried out as approved.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) Application for approval of the reserved matters shall be made to the District Planning Authority before the expiration of three years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

3) The development to which this permission relates must be begun before

-The expiration of three years from the date of this permission; or

-The expiration of two years from the final approval of the reserved matters whichever is the later.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

4) The scale parameters of the buildings hereby permitted shall be a width of 12.93m and a depth of 13.10m for the two houses proposed for the Dawning House site, a maximum width of 11.24m and a maximum depth of 10.79m for the two dwellings proposed for the Summerhill site, and a ridge height of 7.84m for the four units as outlined within the accompanying Design & Access Statement and email submitted on the 2nd February 2011, except that details of slab level, floor levels and roof profile of the proposed dwellings are to be submitted to and approved in writing by the Council at the same time as submission of the first of the reserved matters and the development shall be carried out in accordance with these details.

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

5) No development shall commence until a scheme for tree protection has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved scheme.

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To prevent damage to the trees during the construction period and secure their retention afterwards as supported by Policy EN12B of the Sevenoaks District Local Plan.

6) 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 dwellings 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 the National Planning Policy Framework.

7) No development shall commence until details of visibility splays and the width, alignment and radii of the site entrance and access to Seal Hollow Road have been submitted to and approved in writing by the Council. The visibility splays, width alignment and radii of the site entrance and access to Seal Hollow Road shall be provided as approved before any development hereby permitted is commenced and thereafter maintained, with the approved visibility splays maintained free from obstruction at all times at a height not exceeding 0.9m above the level of the adjacent carriageway.

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

8) No development shall commence until a construction method statement to include the location of the site office, parking and turning areas, and a compound for storage, together with details of deliveries, control of large vehicle movements and the protection of property and highways and the provision of wheelwashing during the course of construction has been submitted to and approved in writing by the Council. The development shall be carried out using the approved statement.

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

9) No development shall be carried out until details of the location and extent of proposed hardstanding for parking and turning areas on each plot has been submitted to and approved in writing by the Council. The development shall be carried out using the approved details.

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

10) No development shall be carried out until details of any proposed pruning or tidying within the protected wooded area to the front of the site has been submitted to and approved in writing by the Council.

To secure the retention of the trees and to safeguard their long-term health as supported by Policy EN1 of the Sevenoaks District Local Plan.

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

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

13) 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. 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 the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

14) No development save for development connected with the provision of the access road shall take place on the land until the access road has been provided in accordance with the approved plan, drawing number 0946-PL123 Rev. C.

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

15) The development hereby permitted shall be carried out as an alternative to the permission granted at appeal under reference SE/08/01393/OUT but not in addition to it, so that one of the developments permitted may be implemented but not both, nor parts of both, developments.

To protect the amenities of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

16) The development hereby permitted shall be carried out in accordance with the following approved plans: DAWNSUM/01 Rev A, 0946-PL120, 121, 122, 123 Rev C and 124 Rev A.

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

Informatives

1) It appears that the proposal involves works that affect the highway and / or its verge. Before commencing such works, you must obtain the separate

consent of the Highway Authority. Please contact Kent Highway Services, Network Operations on 01474 544068.

2) The applicant should be aware that it may be necessary for the entrances of the new dwellings to have a ramp installed up to them 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 ramps.

3) With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, 3 Church Road, Haywards Heath, West Sussex. RH16 3NY. Tel: 01444-448200.

4) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5) The applicant is reminded of the need to obtain the appropriate consent(s) prior to commencing work that may affect land that is not in their ownership.

RECOMMENDATION B: In the event that the legal agreement is not completed within 28 days 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.

28. SE/12/00307/FUL - Sealcot, Seal Hollow Road, Sevenoaks TN13 3SH

The proposal was for the demolition of the existing bungalow and the erection of a two-storey detached dwelling. The proposed house would be sited in a similar position to the existing bungalow but would be re-orientated to face more onto the plot frontage.

On 30 June 2011 consent had been granted for the erection of a two-storey detached building. The proposal before the Committee had been amended with a second two-storey projection now proposed, a larger two storey rear projection, an increased height of 0.7m and an increase in its width. The depth was unchanged.

Officers considered 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 proposed.

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

The Committee was addressed by the following speakers:

Against the Application:	Mr. Batchelor
For the Application:	Mr. James
Parish Representative:	-
Local Member:	Cllr. Mrs. Purves

Several Members felt the design of the application to be better than the permission granted on 1 July 2011. Although the property would be higher and wider than that permission, the new proposed dwelling would be sited further away from the neighbour at Thornwood. The proposed dwelling would not significantly affected the amenity of the neighbour more than the permission already granted.

Some Members were concerned by the increased dimensions of the proposed dwelling. The Local Member, on the Committee, added that the damage to the vegetation, which had provided screening, had done considerable harm and would make the development visible from Seal Hollow Road.

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. The motion was put to the vote and there voted –

13 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) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be those included on the materials schedule submitted on 07.03.12.

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) Notwithstanding the details submitted 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 first floor windows in the northern and southern flank elevations 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.

8) 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.

9) 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.

10) Notwithstanding the information submitted no development shall take place until details of all 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.

11) No development shall be carried out on the land until details relating to an intrusive investigation of the garden area to the rear of the property carried out by a suitably qualified environmental specialist has been submitted to and approved in writing by the Council. The development shall be carried out in accordance with any recommended remediation that should be undertaken prior to the occupation of the dwelling.

To avoid pollution as supported by The National Planning Policy Framework.

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. 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 the National Planning Policy Framework, policies CC2 & CC4 of the South East Regional Plan and policy SP2 of the Core Strategy.

13) The development hereby permitted shall be carried out in accordance with the following approved plans: SEALC/1B, 2B, 3B, 4B, 5, 6, 7, 8, 9 and F1.

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

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.

At 9.24 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.37 p.m.

29. Order of the Agenda

The Chairman indicated that, with the approval of Members, she would deal with item 5.5 - SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent prior to 5.4 - SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent.

30. SE/12/00894/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent

The proposal was for consent for the retention of use of the land for a gypsy and traveller caravan site including the erection of an amenity building and other residential paraphernalia. This would include the retention of the provision of one static mobile home with one amenity building.

Officers considered that very special circumstances exceptionally outweighed any inappropriate or other harm to the Green Belt. The applicants were considered to be Gypsies and there was a clear and immediate need for accommodation within Sevenoaks District with a backlog of unmet need, as established by the Gypsy and Traveller Accommodation Assessment. Temporary permission would not result in a permanent, adverse impact on the openness and character of the Green Belt. Granting only temporary permission would allow a future review of accommodation provision.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Coates
Parish Representative:	Cllr. Dixon
Local Member:	-

In response to a question Officers confirmed the mobile home was sited approximately 4.5m lower than the access point. It was also confirmed that the proposed amenity building would replace the existing shed.

If the applicants were to leave the site then the home and utility building would be removed and the site allowed to return to its natural state.

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

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

1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land in connection with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

In order that any other proposal for the use of the land for a longer period is the subject of a separate application, to be determined on its merits, having regard to the harm to the Green Belt, the status of the Local Development Framework and the allocation of sites for Gypsies and Travellers.

2) The occupation of the site hereby permitted shall be carried on only by Mr Albert Coates (Jnr.) and Ms Amy Coates (nee Broomfield), whilst Mr Albert Coates (Jnr) is resident on the site and whilst he complies with the definition of gypsies and travellers set out in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012. When the land ceases to be used by Mr Albert Coates (Jnr) or at the end of the expiry of temporary permission, whichever is the sooner, the use hereby permitted shall cease to all caravans, utility building, structures, hardstanding, materials and equipment brought on to the land associated with the use hereby permitted.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

3) The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 1, Annex 1 of Planning Policy for Travellers March 2012.

Given that the very special circumstances in this case which clearly outweigh the harm to the openness of the Green Belt and any other harm expressly relate to Mr Albert Coates (Jnr) and in accordance with Planning Policy For Travellers March 2012.

4) The residential use hereby permitted shall be restricted to the stationing of no more than 2 caravans at any time (of which no more than 1 shall be a static caravan or mobile home).

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm, in accordance with Policy EN1 of the Local Plan.

5) No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only enure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

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

6) No building, enclosure or temporary structures other than those shown on the approved Untitled plan block plan received on 03 May 2012 shall be erected or placed on the site.

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

7) The development hereby permitted shall be carried out in accordance with the following approved plans: RN, RN1 and RN2.

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

31. SE/12/00893/FUL - Robertsons Nursery, Goldsel Road, Swanley, Kent

The proposal retrospectively sought consent for the retention of timber stables for the housing of horses when in need for isolation. The stable building was on skids and therefore not physically attached to the ground. The stables would allow for two horses to be kept on site. Conditions 4 and 5 on the existing planning permission did not allow commercial activities to take place on the land or allow buildings or enclosures to be erected.

Officers considered that a temporary consent for 3 years was justified. It would be consistent with the Officer's recommended approach adopted for the retention of the applicant's mobile home. The applicant had advanced very special circumstances, due to their status within the definition of Gypsy/Traveller and that their intended use of the stables was as part of their main source of income. Impact on the Green Belt would be limited as the stables' use would be temporary and further use could be controlled by the Council. As such it was considered that these circumstances were sufficient to outweigh the harm to the openness of the green belt and upon the wider area.

Officers updated Members that the Council had recently received the contaminated land survey for the site. Fragments of asbestos had been found in a small spoil heap, but were now covered in soil and grass. If undisturbed then any risk was only minimal. Officers proposed an additional condition for remedial action to be submitted and agreed by the Council within 3 months.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Mrs. Coates
Parish Representative:	Cllr. Dixon
Local Member:	-

The Chairman noted the comments of the applicant that breach of existing permissions was inadvertent and the applicant had, once made aware, immediately filed for planning permission.

Despite earlier concerns from the Parish Council regarding light pollution, Members noted that openings in the stable would face towards the home and not the road.

In response to a question Officers confirmed that chattels would be permitted on the land under existing conditions.

It was MOVED by the Vice-Chairman and was duly seconded that the recommendation in the report, as amended, to grant permission subject to conditions be adopted. The motion was put to the vote and it was unanimously

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

- 1) This planning permission is granted for a temporary period of three years only, from the date of this permission. By the date this permission expires, stables, structures, materials and equipment brought on to the land in connection

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with the use hereby approved, shall be removed and the site shall be restored to its previous condition, or restored in accordance with a scheme that has been submitted to and approved in writing by the Council.

Given that the very special circumstances in this case clearly outweigh the harm to the openness of the Green Belt and any other harm.

2) No commercial activities shall take place on the land, including the storage of materials, other than the keeping of horses in need for isolation. The use only enure the benefit of the applicants, Mr Albert Coates (Jnr) and Ms Amy Coates (nee Broomfield).

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

3) No external lighting shall be installed on the land until such details have been submitted to and approved by the Council. The installation of external lighting shall only be carried out in accordance with the approved details.

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

4) Within four months of the date of this permission a scheme for the storage and disposal of manure from the land shall be submitted to for its approval in writing by the Council. The approved scheme shall be implemented in full and thereafter maintained.

To protect the amenity of the area as supported by EN1 of the Sevenoaks District Local Plan.

5) The development hereby permitted shall be carried out in accordance with the following approved plans: 1131/01 received on 03 April 2012

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

6) Within three months of the date of this decision details of a timetable of works for remedial measures as proposed by section 9 of the submitted SEC report dated 24/06/12 shall be submitted to and approved in writing by the District Planning Authority. The remedial measures shall be implemented in full in accordance with the approved details and maintained thereafter.

Reason: In the interests of pollution and safety, as supported by policy NR10 of the Local Plan.

At 10:20 p.m. it was MOVED by Cllr. Mrs. Parkin 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.

A Member asked that the Committee consider the matter further as he felt the problem of meetings continuing after 10.30 p.m. was getting worse. Another Member advised meeting should be extended as some public speakers had already waited a long time for their item to be considered.

The motion was put to the vote and there voted –

11 votes in favour of the motion

2 votes 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.

32. SE/12/00803/FUL - The Old Wheelwrights, The Green, Brasted TN16 1JL

The proposal sought re-development of the site to provide a pair of semi-detached, 3 bed houses directly to the rear of Swaylands House, a detached 3 bed house and a small office block located on the northern portion of the site. Some amendments had been made since the application SE/11/01909/FUL which was under appeal for non-determination.

Officers considered that the scale of the proposed buildings was appropriate to their sensitive context, adjacent to the Conservation Area and neighbouring Listed Buildings. The buildings would sit reasonably comfortably within the site and the location within the site would limit the potential noise and disturbance to neighbouring occupiers.

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:	Ms. Tasker
Parish Representative:	Cllr. Hocknell
Local Member:	Cllr. Firth

In response to a question Officers confirmed that Council refuse freighters would not be able to access the road to the residential properties. The properties would rely on refuse being collected from the highway or otherwise would need to be subject to a management plan. The Committee noted the comment from the Local Member that emergency vehicles would not have access to the residential site. As there was no space to pass other vehicles then cars may be compelled to reverse onto the A25, which Members felt was dangerous and inappropriate.

Members were concerned about the provision of parking at the site. Brasted already lacked a public car park and there were few spaces to park on the street. It was felt likely the offices could hold as many as 12-18 workers plus visitors but there was only parking for 6.

As the site was overcrowded cars would have little space to manoeuvre through the site. The tandem parking spaces would also be difficult to use.

Several Members stated that they agreed with the principle of development, especially if it was a mixed use site, but they felt the scale of the present proposal was inappropriate.

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

“That planning permission be REFUSED on grounds of

1) The proposals, by reason of their siting, scale, layout, massing and design, would represent a cramped overdevelopment of the site with inadequate arrangements for access, manoeuvring and parking. The proposals would thus fail to have an acceptable relationship with the neighbouring properties and would be harmful to the character and amenities of the area. As such the proposals would be contrary to policies BE6 of the SE Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and L07 of the Sevenoaks District Council Core Strategy Development Plan Document.

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

It was put to the vote and there voted -

11 votes in favour of the motion

0 votes against the motion

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

1) The proposals, by reason of their siting, scale, layout, massing and design, would represent a cramped overdevelopment of the site with inadequate arrangements for access, manoeuvring and parking. The proposals would thus fail to have an acceptable relationship with the neighbouring properties and would be harmful to the character and amenities of the area. As such the proposals would be contrary to policies BE6 of the SE Plan, policies EN1 and EN23 of the Sevenoaks District Local Plan and policies SP1 and L07 of the Sevenoaks District Council Core Strategy Development Plan Document.

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

33. SE/12/00189/FUL - Aspen Lodge, College Road, Hextable Kent BR8 7LT

The proposal was for the retention of a mobile home in its original location at Pembroke Business Centre. Two year permission had been granted on appeal on 15 December 2009 but had now expired.

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Officers considered that the potential physical harm to the applicant by moving out of the mobile home, as verified by medical evidence, together with the planning permission being a personal permission for the duration of occupation by the applicant, was considered to be a very special circumstance which outweighed the harm to the Green Belt by reason of inappropriateness.

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

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Cllr. Mrs. Morris
Parish Representative:	Cllr. Searles
Local Member:	Cllrs. Mrs. Sargeant and Ball

In response to a question Officers clarified that the applicant had not claimed Gypsy status as part of her application.

Members noted that condition 3 of the proposed conditions stated that the land was to be restored to grassed open land once the land had ceased to be occupied by the applicant.

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

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: JE/24-04-2010/SWAN, SEVN/21-03-2012/PL

To protect the openness of the Green Belt and the character of the landscape as supported by the National Planning Policy Framework.

2) The use hereby permitted shall be carried out only by Ms Anne Ellis whilst she is resident on the site.

The personal circumstances of the Applicant and her occupation of the mobile home is considered to be a very special circumstance which outweighs the harm to the Green Belt by reason of inappropriateness, without which permission would not be granted.

3) Within 3 months of when the land ceases to be occupied by Ms Ellis, the use hereby permitted shall cease and the mobile home and work undertaken on the land in connection with the use shall be removed and the land restored to grassed open land where it has been developed by the siting of a mobile home.

To ensure compliance with policies that restrict development within the Green Belt, and the National Planning Policy Framework.

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4) No more than one caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

To protect the openness of the Green Belt and the character of the landscape as supported by the National Planning Policy Framework

THE MEETING WAS CONCLUDED AT 11.25 PM

CHAIRMAN

