

28 January 2021 at 7.00 pm

This meeting will be held virtually via Zoom,
and livestreamed here:

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Development Control Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Reay
Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington,
Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves,
Raikes and Roy

Agenda

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 7 January 2021, as a correct record.	(Pages 1 - 18)	
2. Declarations of Interest or Predetermination Including any interests not already registered.		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 20/02846/HOUSE - Applewood, Swan Lane, Edenbridge Kent TN8 6AT Erection of a double garage to the property.	(Pages 19 - 26)	Anna Horn Tel: 01732 227000

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

As it is necessary to observe social distancing to limit the spread of Covid-19, currently the Council is unable to arrange site visits in the established manner and therefore requests for site visits will not be taken.

Please note speakers should register by 5pm on the day of the meeting. Any slides speakers may wish to have displayed at the meeting should be emailed to dc.committee@sevenoaks.gov.uk, by 5pm the day before the meeting.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 7 January 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Reay (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Coleman, P. Darrington, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Roy

Apologies for absence were received from Cllrs. Cheeseman and Perry Cole

Cllrs. Fleming, Grint, Thornton and McArthur were also present.

136. Minutes

Resolved: That the Minutes of the Development Control Committee held on the 17 December 2020, be signed by the Chairman as a correct record.

137. Declarations of Interest or Predetermination

Cllr Brown declared that for Minute 141 - 20/02646/MMA 95 Dartford Road, Sevenoaks Kent TN13 3TF, the public speaker against was his sister in law, and he would therefore not take part in the debate or voting thereon.

Cllr Hogarth declared that for Minute 141 - 20/02646/MMA 95 Dartford Road, Sevenoaks Kent TN13 3TF, he had previously considered the matter when discussed by Sevenoaks Town Council, but would remain open minded.

Councillors Raikes declared for Minute 141 - 20/02646/MMA_95 Dartford Road, Sevenoaks Kent TN13 3TF, that he had previously considered the matter when discussed by Sevenoaks Town Council and that he knew the public speaker against, but would remain open minded.

138. Declarations of Lobbying

All Councillors present, except Councillor Hudson, declared that they had been lobbied in respect of Minute 141 - 20/02646/MMA 95 Dartford Road, Sevenoaks Kent TN13 3TF.

In addition, Councillor Coleman declared that she had been lobbied in respect of Minute 139 - 20/026463/FUL Leigh Flood Storage Area, River Medway, Kent; and

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Councillor Williamson declared that he had been lobbied in respect of Minute 140 - 20/02389/LDCEX Land North of Hunters Retreat, Shoreham Lane, Halstead, Kent, TN147BY.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

139. 20/02463/FUL - Leigh Flood Storage Area, River Medway, Sevenoaks District Council Kent

The proposal sought planning permission for flood mitigation improvements to facilitate the Leigh Flood Storage Area (FSA) expansion scheme. Improvements to Leigh and Cattle Arch embankments to include: partial raising of embankments; installation of 300mm high wave return wall; creation of pumping station platform area; erection of new fencing and gates and other associated works that include culvert, eel pass, temporary access and compound areas. The application had been referred to Development Control Committee as it was considered significant by the Deputy Chief Executive and Chief Planning & Regulatory Officer.

Members' attention was brought to the main agenda.

The Committee was addressed by the following speakers:

Against the Application:	Kevin Storey
For the Application:	Tim Connell
Parish Representative:	Leigh Parish Councillor Richard Britain
Local Member:	-

Members asked questions of clarification from the speakers and officers which centred around the risk of flooding and use of the flood barrier and biodiversity works. It was noted that increasing the maximum stored water level required a separate permission from the Secretary of State for Environment, Food and Rural Affairs, the Committee was only considering the impact of the flood mitigation engineering works required to facilitate the increased flood water storage, along with the impact of those works within the immediate vicinity and wider implications. The application was to assist with increased flood water storage levels and flood modelling as shown in the application, demonstrated that the development would not increase the flood water depth level within Rogues Hill, Penshurst, nor would any residential property in Leigh be affected.

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

Members discussed the application.

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 works (including site clearance or preparation) shall commence on the development hereby permitted until final design and construction drawings and method statements in relation to works in the vicinity of the A21 Medway Bridge have been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). The construction of the development shall be carried out in accordance with the approved drawings and statements unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England). At the end of the construction period, a full set of as built drawings and associated documentation shall be provided to Highways England.

To ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 3) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

To reduce risk to controlled waters. There is always the potential for unexpected contamination to be identified during development groundworks and any contamination be identified that could present an unacceptable risk to Controlled Waters, in compliance with the National Planning Policy Framework.

- 4) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by remobilised contaminants present in shallow soils/made ground in line with paragraph 170 of the National Planning Policy Framework.

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- 5) Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the local planning authority. The CEMP shall include, though not necessarily be limited to the following details: a) A Construction Traffic Management Plan incorporating details of heavy vehicles movement patterns, including earliest and latest arrival and departure times, routes to be used to and from the site and signs, information to instruct drivers and maintained at the applicant's expense throughout the construction period; b) The parking arrangements for vehicles of site operatives and visitors together with measures to reduce the daily number of trips to the site; c) The loading and unloading arrangements for heavy plant and materials; d) Processes of controlling/suppressing dust emanating from the site; e) The location and type of temporary fencing/hoarding; f) The details of wheel cleaning facilities within the site to prevent mud being deposited on the public highway; g) The tool-box talk for the site operatives regarding protected species and awareness.

To mitigate the impact arising from development upon existing habitats of protected species on or surrounding the site and safeguard the amenities of adjacent neighbouring properties and existing road network in accordance with Policy SP11 of the Sevenoaks District Core Strategy, Policies GI1, EN1, T1 of the Sevenoaks Allocations and Development Management Plan and guidance in National Planning Policy Framework 2019.

- 6) Prior to commencement of works (including site clearance), a biodiversity enhancement plan will be submitted to, and approved by, the local planning authority. The plan will include a map of proposed enhancements, management prescriptions and biodiversity net-gain metric calculations. The approved details will be implemented and thereafter retained.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and make further wider biodiversity enhancements, in accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

- 7) From the commencement of works (including site clearance), all mitigation measures for protected species and compensatory measures for habitats will be implemented in accordance with the details in section chapter 7 of the Environmental Statement (Environment Agency August 2020), unless varied by a European Protected Species licence subsequently issued by Natural England.

To ensure that the proposed development will not have a harmful impact on protected species and habitats, and wider biodiversity, in

accordance with Policy SP11 of the Core Strategy and guidance in National Planning Policy Framework.

- 8) The increased capacity of the flood storage area up to 28.6mAOD shall not take place until the flood mitigation measures /Measures in the Interests of Safety measures as hereby permitted are fully completed and operational unless otherwise agreed in writing by the local planning authority.

In the interests of reducing flood risk prior to completion of the development in accordance with National Planning Policy Framework.

- 9) Notwithstanding the approved drawings, no steps will encroach onto the definitive line of Public Right of Way SR435.

For the avoidance of any doubt

- 10) The development shall be carried out in strict accordance with the Environmental Action Plan as found in Appendix A Environmental Statement dated August 2020. Any changes to the Environmental Action Plan as hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall accord with the approved and implemented in full.

To mitigate the impact arising from development upon existing habitats of protected species on or surrounding the site and safeguard the amenities of adjacent neighbouring properties and existing road/footpath network in accordance with Policy SP11 of the Sevenoaks District Core Strategy, Policies GI1, EN1, T1 of the Sevenoaks Allocations and Development Management Plan and guidance in National Planning Policy Framework 2019.

- 11) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures in the Arboricultural Impact Assessment dated 05/08/2020 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 12) The development hereby permitted shall be carried out in accordance with the following approved plans:ENVIMSE100377-JBA-LZ-OO-DR-PL-1000, ENVIMSE100377-JBA-LZ-OO-DR-PL-1002, ENVIMSE100377-JBA-LZ-

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OO-DR-PL-1010, ENVIMSE100377-JBA-OO-ZZ-DR-PL-1000, ENVIMSE100377-JBA-OO-ZZ-DR-PL-1020, ENVIMSE100377-JBA-OO-CAOO-DR-PL-1100, ENVIMSE100377-JBA-OO-CAOO-DR-PL-1204, ENVIMSE100377-JBA-OO-CAOO-DR-PL-1240, ENVIMSE100377-JBA-OO-CAOO-DR-PL-1241 ENVIMSE100377-JBA-OO-ZZ-DR-PL-1000, ENVIMSE100377-JBA-OO-ME00-DR-PL-1303, ENVIMSE100377-JBA-OO-ME01-DR-PL-1100, ENVIMSE100377-JBA-OO-ME02-DR-PL-1100, ENVIMSE100377-JBA-OO-ME03-DR-PL-1100, ENVIMSE100377-JBA-OO-ME04-DR-PL-1100 ENVIMSE100377-JBA-OO-ME04-DR-PL-1101, ENVIMSE100377-JBA-OO-ME04-DR-PL-1220, ENVIMSE100377-JBA-OO-ME04-DR-PL-1225, ENVIMSE100377-JBA-OO-ME04-DR-PL-1200, ENVIMSE100377-JBA-OO-NR02-DR-PL-1100, ENVIMSE100377-JBA-OO-NR02-DR-PL-1200 ENVIMSE100377-JBA-OO-EPOO-DR-EN-001, ENVIMSE100377-JBA-OO-EPOO-DR-EN-002, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1100 ENVIMSE100377-JBA-DE-PFOO-DR-PL-1101, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1102, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1103 ENVIMSE100377-JBA-DE-PFOO-DR-PL-1104, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1105, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1200-A5-C01, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1201 to 1211, ENVIMSE100377-JBA-DE-PFOO-DR-PL-1301 & 1302 and Planning Design Access Statement, Arboricultural Impact_Assessment and Environmental Statement dated August 2020.

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

Informatives

- 1) The drawings and documentation required prior to and post construction should be produced in accordance with and demonstrate the compliance of the development with the Design Manual for Roads and Bridges, insofar as they apply to the A21 Medway Bridge and its vicinity. Drafts may be sent to planningse@highwaysengland.co.uk for agreement prior to formal submission to facilitate expeditious processing.
- 2) Fuel, Oil and Chemical Storage - Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Drainage - The following points should be noted wherever infiltration drainage (such as soakaways) are proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods;

- No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated;

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table;

- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Disposal of soil - Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2010

- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment

Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer.

Proposed ecological enhancement schemes - Works such as Stage zero and river enhancements (Powdermill stream and Straight Mile) are likely to require an internal Flood Risk Activity Permit, which will assess impacts for flood risk, environmental and ecological concerns.

Any floodplain or riverine based mitigation/enhancement schemes will need to demonstrate that the activity will not cause detriment to Water Framework directive (WFD) status or protected species.

If delivered, the changes could also be included as an update within the Biodiversity Net Gain (BNG) calculations. The LPA may request to see an update if they wish.

Invasive Non Native Species (INNS) management plan approach and named references It is welcome to see a dedicated plan for identifying and managing the risk of potentially spreading INNS either around site, or through the activity (Le. spread elsewhere off site). There is specific example reference to Himalayan balsam and mudsnail species, which are locally detected and relevant risks to manage. However, it is recommended that the plan continues to also approach other high risk species, including American skunk cabbage (also reported within the area, but not listed on the legislation as Himalayan balsam - yet presents a credible risk to colonise wetland areas just as well) another approach is to direct a focus on the biosecurity protocols to control the most likely potential spread pathways of the most likely range of assumed species, i.e. rather than purely a prescriptive approach to specific species.

This is because the risk of spreading and introducing INNS are assumed to be ubiquitous, and the measures in place which affect the potential spread pathways will be appropriate for a range of species. Different taxa will also require different spread risk pathway analysis and biosecurity protocols.

Recommendation for INNS biosecurity protocols in site management documentation It is recommended to ensure biosecurity measures for each construction Area and phase is included within relevant Environmental Action Plan (EAP) and/or CEMP.

- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

4) Any changes or improvements to the public rights of way across the site will require the express consent of the Highway Authority, in this case KCC PROW and Access Service.

5) Southern Water Informatives

- The 450 mm public foul sewer and 450 mm public foul trunk sewer requires a clearance of 3.5 meters on either side of the sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3.5 meters of the external edge of the public sewer without consent from Southern Water.

- The 350 mm public foul rising main requires a clearance of 3 meters on either side of the sewers to protect it from construction works and to allow for future access for maintenance. No development or tree planting should be carried out within 3 meters of the external edge of the public foul rising main without consent from Southern Water.

140. 20/02389/LDCEX - Land North of Hunters Retreat, Shoreham Lane, Halstead Kent TN14 7BY

The proposal sought a certificate of lawfulness for the use of the land for the storage of roll-on/ roll-off bins and skips and porta cabin for more than 10 years; and the erection of a building in excess of 4 years.

The application had been referred to Development Control Committee by Councillor Grint for the Committee to consider whether the evidence available justified the grant of the Lawful Development Certificate.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Mandy Akin
For the Application:	-
Parish Representative:	Parish Councillor Jean Peel
Local Member:	Councillor Grint

Members asked questions of clarification from the speakers and officers. The Legal Officer responded to technical questions on the evidence required; the weight of different forms of evidence such as verbal and statutory declarations; and the balance of probability referred to in the National Planning Practice Guidance. It was for Members to decide whether the Applicant had proven and satisfied the

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Committee, and up to Members what weight they afforded to the evidence before them. It was noted that there was not a statutory duty to consult yet the Council had done so.

It was moved by the Chairman and duly seconded that the matter be put to debate. There was some concern that residents would not have been aware that statutory declarations could be given greater weight. With this in mind it was moved by Councillor Reay and duly seconded that the item be deferred for more information and evidence to be received.

Upon discussion the mover of the motion with the agreement of the seconder withdrew the motion to defer, as there was a strong indication that other Members thought there was sufficient evidence before them to make a decision.

The Chairman moved that the item be refused and it was duly seconded. Upon clarification and discussion he amended his motion to refuse on the grounds that, on the balance of probability, the Applicant had failed to provide sufficient and clear evidence that the land had been used continuously for the storage of roll on/roll off bins and skips including porta cabin and that the erection of a building on the site, was lawful.

The Democratic Services Officer gave advice as to what motion was being considered. The seconder withdrew. The Chairman did not require a seconder however the motion was duly seconded by another.

The motion to refuse was put to the vote and it was

Resolved: That the lawful development certificate be refused on the grounds that the Applicant had failed to provide sufficient clear and unambiguous evidence to demonstrate that, on the balance of probability, the land had been used continuously for the storage of roll on/roll off bins and skips including porta cabin and that the erection of a building on the site was lawful.

At 9.24 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.30 p.m.

141. 20/02646/MMA - 95 Dartford Road, Sevenoaks, Kent TN13 3TF

The proposal sought approval of a minor material amendment to 19/00116/FUL. The application had been referred to Development Control Committee by Councillor Fleming on the grounds that the change was significant, not in keeping with the main roofline and had a harmful impact on the character of the area.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

Against the Application:	Zara Milner-Pearce
For the Application:	-
Parish Representative:	Town Councillor Keith Bonin
Local Member:	Councillor Fleming

Members asked questions of clarification from the speakers and officers. It was clarified that the parking and footprint of the dwellings would remain as previously approved, and that both properties would have permitted development rights, including boundary enclosures.

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

Members discussed the application, in particular the effect of the roof profile on the street scene, bulk and overshadowing. Members also considered the affect of the application in light of the requirement that a proposal affecting a heritage asset or its setting would be permitted where that development conserved or enhanced the character, appearance and setting of the asset.

The motion was put to the vote and failed.

Reasons for refusal were debated, the Chairman moved that the application be refused on the grounds of the impact of the bulk and form on the street scene (EN1) and the impact on the designated heritage asset (EN4), which was duly seconded.

The motion was put to the vote and it was

Resolved: That planning permission be refused (EN1 and EN4) with delegated authority granted to the Deputy Chief Executive and Chief Officer Planning & Regulatory Services to draft the formal wording after consultation with local Members.

(Having declared an interest, Councillor Brown did not take part in the debate or voting thereon.)

142. 19/02474/FUL - Claydene Farm, Hartfield Road, Cowden Kent TN8 7HF

The proposal had been before the Committee on [13 February 2020 \(Minute 64\)](#) where it had been agreed subject to a legal agreement to secure the contribution to affordable housing for either: an onsite policy compliant provision; or a payment in lieu of affordable housing for provision of affordable housing elsewhere, calculated in accordance with the Affordable Housing SPD 2011. In the event that, using all reasonable endeavours, the legal agreement referred to was not completed within 4 months of the meeting, the Chief Planning Officer was authorised to refuse the application for failure to make a contribution to affordable housing, contrary to policy SP3 of the Core Strategy.

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A financial contribution of £450,000 had now been secured but due to the delay in securing the contribution, the application was back before Committee for consideration.

The proposal sought planning permission for conversion of redundant agricultural Buildings to form 9 new residential units; demolition of outbuildings; and landscaping works with new access and access alterations.

Members' attention was brought to the main agenda papers.

There was an Officer presentation but no speakers.

Concern was expressed that the decision made in February 2020 had not been adhered to as it was some time over the four month expiration period and the application should therefore have been refused. It was advised that due to the difficulties encountered due to lockdowns etc as a result of the COVID-19 pandemic, a management decision had been made to continue with the negotiations and bring the application back to committee with the contribution secured.

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

Resolved: That planning permission be granted subject to the Section 106 agreement to secure the contribution to affordable housing, and 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alteration permitted by Class A, B, D or E of Part 1 of Schedule 2 of the 2015 Order (as amended), or any enclosure other than those approved shall be permitted by Class A of Part 2 of the 2015 Order (as amended) shall be carried out or made to the dwellings and development hereby approved without the grant of a further planning permission by the local planning authority.

To preserve the special landscape character of the AONB and to protect residential amenity, to comply with policies EN2 and EN5 of the ADMP.

- 3) No development shall take place until details of tree protection measures for all retained trees have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the approved protection measures retained throughout the course of the development.

To prevent damage to the retained trees during the construction period of the dwelling as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 4) Prior to bringing the development hereby approved into first use details of a scheme to show the provision of electric vehicle charging points, including the proposed location, type and specifications shall be submitted to and approved by the Local Planning Authority. The charging point shall be installed in accordance with the approved details prior to first occupation of the development.

To ensure the sustainability of the site in accordance with policy T3 of the Allocations and Development Management Plan.

- 5) Prior to the installation of glazing on the residential dwellings, full details of the type of glazing and mitigation measures to be installed to prevent light spillage should be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and once implemented the approved details shall thereafter be retained as approved.

In the interests of the dark skies of the Area of Outstanding Natural Beauty in accordance with policy EN5 of the Sevenoaks District Council Allocation and Development Management Plan.

- 6) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of; - a programme of building recording in accordance with a written specification and timetable, - a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The programme of building recording, written specification, timetable and watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the aforementioned approved details.

To ensure that features of archaeological interest are properly examined and recorded in accordance with policy EN4 of the Sevenoaks District Council Allocation and Development Management Plan.

- 7) Prior to first occupation of the development hereby approved all demolition as indicated on plan 400 P 1 shall be undertaken and all resultant materials removed from the land.

To prevent inappropriate development in the Green Belt as supported by GB7 of the Sevenoaks Allocations and Development Management Plan.

- 8) No development shall be carried out on the land until details of the materials to be used in the cladding of the external surfaces of the

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converted barns hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.

To ensure that the appearance of the development enhances the character and appearance of the High Weald Area of Outstanding Natural Beauty as supported by Policy EN5 of the Sevenoaks Allocations and Development Management Plan.

- 9) If the demolition of each of the buildings hereby approved does not commence within 2 years from the date of the submitted bat surveys (summer 2019) under application 19/02474/FUL, further ecological surveys shall be undertaken to: i) establish if there have been any changes in the presence and/or abundance of bats, and ii) identify any likely ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, a Biodiversity Method Statement, detailing all necessary ecological mitigation/compensation measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of demolition. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable, unless varied by a European Protected Species licence subsequently issued by Natural England.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 10) No external lighting shall be installed within the red line site plan as illustrated on plan 100 P 2 or on any elevation of the approved dwellings without seeking approval in writing from the local planning authority. Prior to the use of the first building a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will: a) Identify those areas/features on site that are particularly sensitive; b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals); All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. Such details shall include proposed location(s), height, type and direction of light sources. The development shall be carried out in accordance with any approved details and maintained thereafter.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 11) Within six months prior to the commencement of development, a walkover badger survey shall be carried out and the results along with

any necessary mitigation measures will be submitted to and approved in writing by the Local Planning Authority. The measures will include: a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. The measures shall be implemented in accordance with the approved details.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 12) No demolition works shall take place (including any ground works, site or vegetation clearance), until a method statement for the prevention of unnecessary suffering to foxes and rabbits has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the: a) Purpose and objectives for the proposed works; b) Working method, including timings, necessary to achieve stated objectives; c) Extent and location of proposed works shown on appropriate scale plans; d) Provision for species rescue; e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works. The works shall be carried out in accordance with the approved details

In the interest of mammals found on site in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 13) Within six months prior to the commencement of development, a barn owl survey shall be carried out and the results along with any necessary mitigation measures will be submitted to and approved in writing by the Local Planning Authority. The measures will include: a) Provision for update surveys prior to commencement of development; b) Replacement temporary and permanent nesting provision for any lost as a result of the development works, with reference to The Barn Owl Trust guidance. The measures shall be implemented in accordance with the approved details.

In the interest of protected species in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 14) Prior to first occupation of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with native species planting and the provision of hedgehog holes in boundary features. The approved details will be implemented and thereafter retained.

In the interest of the biodiversity of the area in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 15) Prior to the commencement of the development details of the works to all hedges within the red line boundary shall be submitted to the Local Planning Authority and approved in writing. The details shall include: (i) All hedging to be removed from site and the ecological implications and method of removal, (ii) replacement and mitigation measures for all hedging removed from the application site. The proposed development shall be carried out in accordance with the approved method and mitigation measures.

In the interest of the biodiversity of the area in accordance with policy SP11 of the Sevenoaks District Council Core Strategy.

- 16) Prior to the commencement of the development hereby approved, a phase 2 intrusive investigation contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved by the Local Planning Authority. The details shall include: a) A site investigation report detailing all intrusive investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. b) Approved remediation works shall be carried out in full on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. c) Upon completion of the works, this condition shall not be discharged until a closure/validation report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure/validation report together with the necessary documentation detailing what waste materials have been removed from the site.

To ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 17) Prior to development above slab level a detailed acoustic assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall measure the perceived noise level and

include any required mitigation measures if necessary. The proposed mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved.

In the interest of amenity in accordance with policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 18) Prior to the commencement of the development details of the proposed discharge of foul water shall 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 development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 19) The proposed development shall be carried out in accordance with the approved Bellamy Wallace Partnership Drainage Strategy Report and associated drainage details unless otherwise approved in writing.

To ensure that development of the land does not result in pollution of the environment in accordance with the aims of the National Planning Policy Framework.

- 20) Prior to the first occupation of Barn 5 hereby approved, details of the boundary treatment between Barn 5 and Claydene Farmhouse shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be installed prior to first occupation of that unit and maintained as such thereafter.

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

- 21) Prior to the first occupation of the dwellings hereby approved parking provision as shown on approved plan no. 19-14-211-RevD shall be provided and maintained as such thereafter.

In accordance with policy T2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 22) Prior to the bring the development hereby approved into first use and occupation the provision and maintenance of the visibility splays and access shown on the submitted plans 10203/103 B shall be provided at 2.4 metres x 115 metres, with no obstruction 0.6 metres above carriageway level within the splay. The visibility splays shall be maintained as such thereafter.

In the interest of highway safety.

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Development Control Committee - 7 January 2021

- 23) The proposed hard and soft landscaping plans shall be implemented in accordance with the Materials, Furniture and Planting Palette 501 - Rev A and the Landscape Design and Access - Addendum including plan 19-14-211-Rev D. Any alterations to the landscaping shall be submitted to and approved in writing by the local planning authority. If any part of the approved landscaping scheme is removed, dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the local planning authority within the next planting season. The approved details shall be implemented prior to bringing the development hereby approved into first use and maintained as such thereafter.

To enhance the visual appearance of the area as supported by EN5 of the Sevenoaks Allocations and Development Management Plan.

- 24) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 426 P 2, 19-14-211 - Rev D, 19-14-161, 10203/101 Rev B, 10203/103 Rev B, 10203/102 Rev B, K1986 - BWP - ZZ-XX- DR- D -0101 - P01, K1986 - BWP - ZZ- XX -DR -D - 0102 - P01, K1986 - BWP - ZZ - XX - DR - D - 0100 - P1, K1986 - BWP - ZZ - XX - DR - D - 0100 - P01, 415 P 3, 425 P 2, 424 P 2, 423 P 3, 421 P 2, 420 P 1, 419 P 2, 414 P 2, 411 P 2, 410 P 2, 407 P 2, 403 P 2, 406 P 2, 404 P 1, 417 P 1, 416 P 1, 413 P 1, 409 P 1, 408 P 1, 405 P 1, 401 P 1, 400 P 1, 100 P 2, 501 A, 19-14-211-RevD, Protected species report amended, Design and Access Statement.

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

- 25) The ground floor windows along the south east side elevation of barn 2 to serve the en suite shall be obscure glazed and fix shut up to 1.7m from finished floor level. The proposed ground and first floor opening along the north west side elevation of barn 3(b) shall be obscure glazed and fixed shut up to 1.7m from finished floor level. The obscure glazing and fixed shut windows shall be maintained at all times.

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

THE MEETING WAS CONCLUDED AT 10.24 PM

CHAIRMAN

4.1 20/02846/HOUSE Revised expiry date 29 January 2021

Proposal: Erection of a double garage to the property.

Location: Applewood, Swan Lane, Edenbridge KENT TN8 6AT

Ward(s): Edenbridge North & East

Item for decision

Councillor McGregor has called the application to DC Committee on the grounds that the proposal affects the street scene on Swan Lane and is in contravention of the residential extensions SPD.

RECOMMENDATION: 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: 001 Rev A, 002 Rev A, 004, 005, Site Location Plan

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

3) The materials to be used in the construction of the development shall be those indicated on the approved plan 004.

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.

4) The hornbeam hedge shall be planted, as shown on plan number 001 Rev A, before the garage is completed and first brought into use and shall be thereafter maintained.

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.

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.

Description of site

- 1 The application site comprises a detached two storey dwelling and its curtilage on land sited to the south of Swan Lane in Edenbridge. This part of Swan Lane is slightly curved and is characterised by large detached properties that do not follow a uniform or linear build line, with other properties sited forwards, within proximity to the highway, to the east of the site.

Description of proposal

- 2 The application seeks permission for the erection of a detached double garage sited to the front of the property adjacent to the highway on an area of existing hardstanding. The garage would have a pitched roof and measure 3.6m in maximum height, 1.9m in eaves height, with a width of 6.4m and a depth of 5m. It is noted that the timber frame for the garage has been erected on site.

Relevant planning history

- 3 01/00028/FUL - Extensions to dwelling. REFUSE 15/02/2001.
- 4 01/02082/FUL - Extension to dwelling. GRANT 14/12/2001.
- 5 17/00897/HOUSE - The erection of a side extension for a garage at the front and a laundry room to the rear. GRANT 24/05/2017.

Policies

- 6 National Planning Policy Framework (NPPF)
- 7 Core Strategy (CS)
 - LO1 Distribution of Development
 - SP1 Design of New Development and Conservation
- 8 Allocations and Development Management Plan (ADMP)
 - EN1 Design Principles

- EN2 Amenity Protection
- T2 Vehicle Parking

9 Other

- Sevenoaks Residential Extensions SPD

Constraints

10 No constraints identified.

Consultations

11 Edenbridge Town Council -

“Members objected to this application. The garage is shown in the drawings at the front of the property and is in advance of the building line. Sevenoaks District Council’s residential assessment states that garages or outbuildings set in front of the building line would normally be refused. The residential extensions supplementary planning document that states (para 4.51) that garages should not be located in front of the building.”

Representations

12 No public comments received.

Chief Planning Officer’s appraisal

13 The main planning consideration are:

- Design and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on highways safety and parking provision

Design and impact on the character and appearance of the area

14 Policy SP1 of the Core Strategy and policy EN1 of the ADMP state that all new development should be designed to a high quality and should respond to and respect the character of the area in which it is situated.

15 The dwellings along Swan Lane are not considered to follow a uniform or set linear build line. The properties to the west of the site follow a slightly staggered and curved build line, with neighbouring properties to the east of the site, Little Badgers and Charlwood, being set much further forwards within the street scene on prominent corner plots. The dwelling, Applewood, is sited on a spacious plot with a large and verdant frontage.

16 The garage would be sited forward of the principle elevation of the main dwelling to the front of the site on an area of existing hardstanding currently used for vehicular parking. The proposed garage would have a

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maximum height of 3.6m and an eaves height of 1.9m, sited some 2m from the highway.

- 17 Whilst there is not a precedent set for outbuildings sited forwards of the existing build line to the west of the site, there are two examples of garages sited forwards of the principle elevation to the east of the site. The properties known as Little Badgers and Leyburn both benefit from front facing garages sited forwards of the principle elevation. Therefore, the siting of a garage to the front of the dwelling would not be considered as harmful to the character of the area when considering the wider pattern of development and precedent already set.
- 18 Moreover, considering the surrounding pattern of development further, the property Little Badgers represents existing built form sited more prominently within the street scene. Little Badgers is directly adjacent to the site and comprises substantial built form set further forwards within the street scene on the prominent corner plot. Therefore, considering the siting of the garage and the wider pattern of development, it is considered acceptable in terms of the impact on the street scene and the wider character and appearance of the area.
- 19 Whilst the garage would be sited to the front of the dwelling and therefore visible from the street scene, it would be partially screened by the existing landscaping along the front of the site. Further landscaping has been proposed to help screen the development and maintain the green and verdant appearance of the street scene. This additional landscaping will help soften the appearance of the garage and maintain the character of the plot and wider street scene, and can be secured through a planning condition.
- 20 Whilst the Residential Extensions Supplementary Planning Document does not normally support outbuildings to the front of a dwelling house, as stated, there are other examples of built form sited within close proximity to the street scene and other front facing garages. Therefore, when considering the surrounding pattern and grain of development, the siting of the garage would not be considered harmful to a degree to warrant a refusal. Moreover, the additional landscaping will help screen the proposal and soften the appearance of the garage from the public realm.
- 21 Overall, the proposal is not considered as harmful to the character and appearance of the area and is considered to accord with policies SP1 of the Core Strategy and EN1 of the ADMP.

Impact on neighbouring amenity

- 22 Policy EN2 of the ADMP requires proposals to safeguard the amenities of existing and future occupants of nearby properties.
- 23 The proposed garage would be sited over a metre from the shared boundary with neighbouring property, Little Badgers, over 2m from the boundary adjacent to the highway and would be sited some 13.5m from the closest neighbouring property, Little Badgers.

- 24 The roof has been designed to slope away from this neighbouring property to reduce the mass and bulk of the garage sited adjacent to this neighbour. Moreover, the proposed garage would not have any windows or fenestration facing this neighbouring property and therefore is not considered to cause a harmful overlooking impact or a loss of privacy.
- 25 Due to the siting and design of the garage, and the separation distances to neighbouring properties, it is considered to be acceptable in terms of neighbouring amenity and is not considered to cause a harmful loss of light, privacy, visual intrusion or loss of outlook, in accordance with policy EN2 of the ADMP.

Impact on highways safety and parking provision

- 26 The garage would be sited on an area of existing hard surfacing that is currently utilised for vehicular parking. The existing access and parking provisions would be maintained and the proposal is considered acceptable in this regard, in accordance with policy T2 of the ADMP.

Conclusion

- 27 As highlighted in the report above the proposed development accords with the NPPF and our adopted development plan.
- 28 It is therefore recommended that this application is GRANTED.

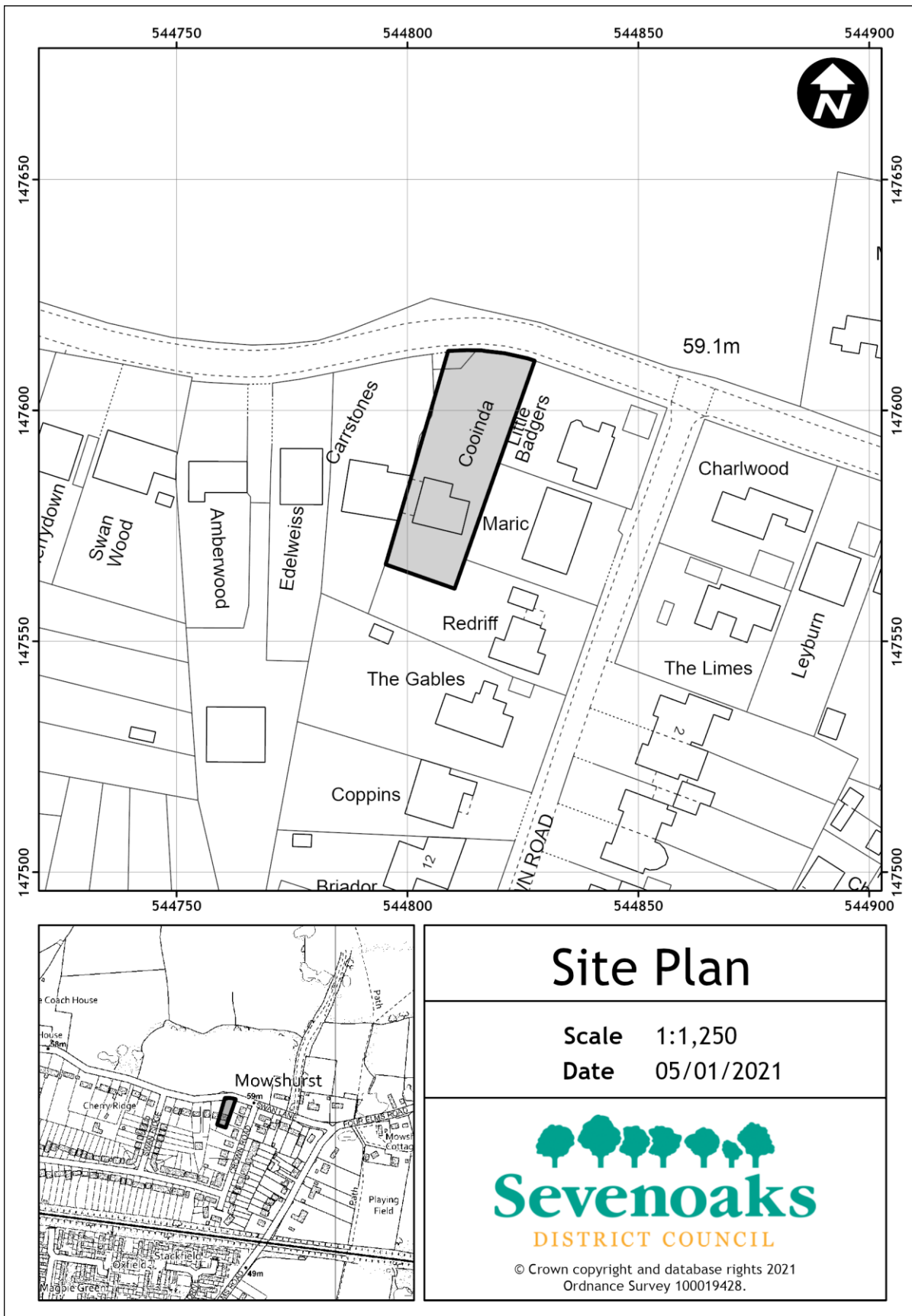
Background papers

Site and block plan

Contact Officer(s): Anna Horn : 01732 227000

Richard Morris
Chief Planning Officer

[Link to application details](#)



Site Plan

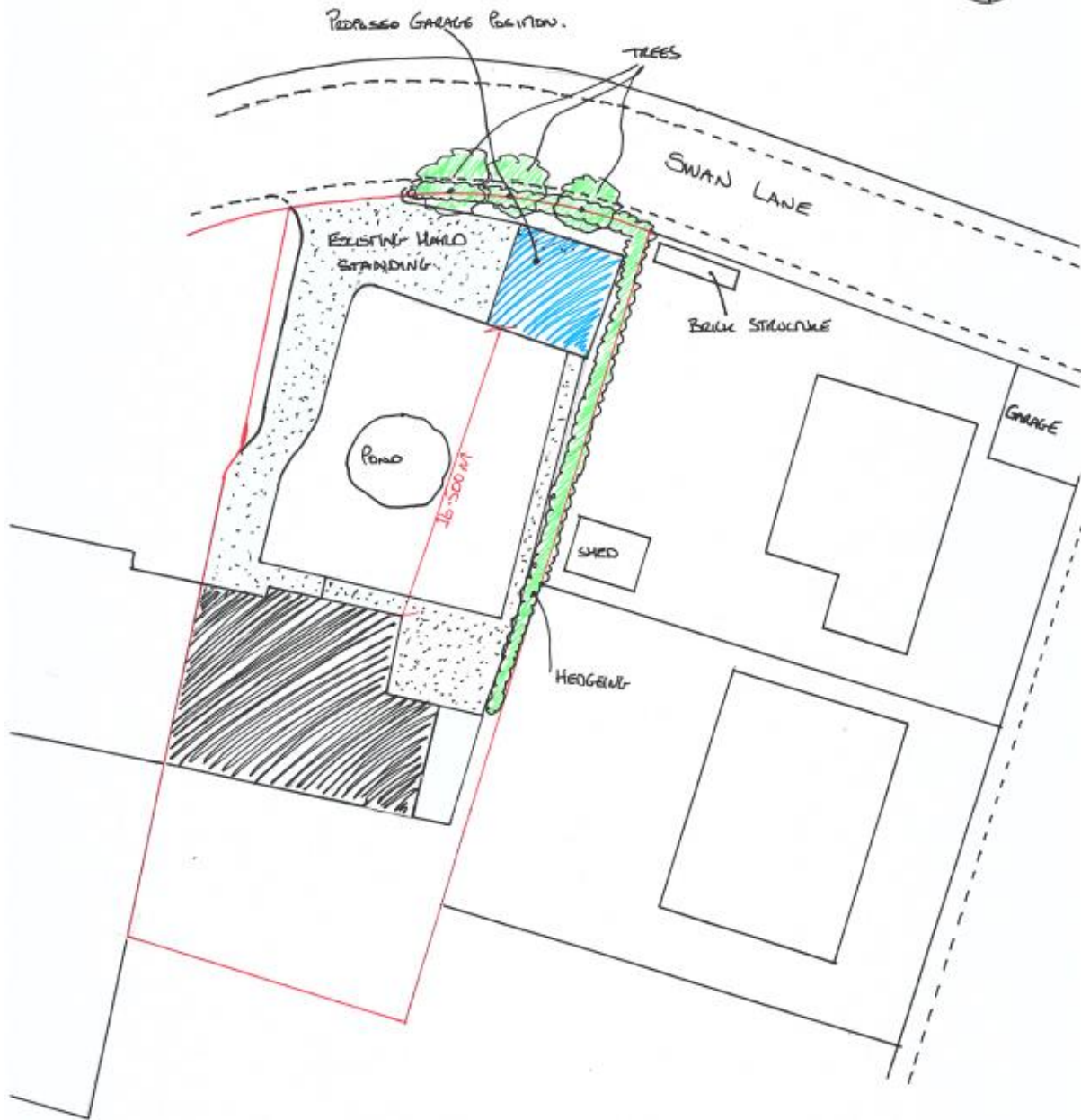
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Date 05/01/2021



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BLOCK PLAN



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