

DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 27 January 2022 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, P. Darrington, Edwards-Winsor, Hogarth, Hudson, Hunter, Layland, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Reay

An apology for absence was received from Cllr. Coleman

Cllrs. Dr. Canet, Collins and Roy were also present.

Cllr Thornton was also present via a virtual media platform which does not constitute attendance as recognised by the Local Government Act 1972.

65. Minutes

Resolved: That the Minutes of the Development Control Committee held on 6 January 2022, be approved and signed by the Chairman as a correct record.

66. Declarations of Interest or Predetermination

Cllr Layland declared for Minute 70 - 21/02825/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL and Minute 71 - 21/03526/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL, that he was the local ward Member but remained open minded.

Cllr Raikes declared for Minute 68 21/03048/HOUSE - 1 Bottle Cottages, Bradbourne Vale Road, Sevenoaks KENT TN13 3DF, and Minute 69 Pinehurst House Nursing Home, Pinehurst, Sevenoaks KENT TN14 5AQ that he had previously considered the items on the Town Council but remained opened minded.

Cllr Hogarth declared for Minute 68 21/03048/HOUSE - 1 Bottle Cottages, Bradbourne Vale Road, Sevenoaks KENT TN13 3DF, and Minute 69 Pinehurst House Nursing Home, Pinehurst, Sevenoaks KENT TN14 5AQ that he had previously considered the items on the Town Council but remained opened minded.

Cllr Edwards - Winsor declared for Minute 73 - 21/03404/FUL - Appleby, 3 Greenhill Road, Otford KENT TN14 5RR that he was the local Member but remained open minded.

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67. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 69 20/03293/FUL - Pinehurst House Nursing Home, Pinehurst, Sevenoaks KENT TN14 5AQ

All Councillors declared except for Cllrs Ball, Barnett, P. Darrington, Edwards-Winser, Hundson, Pett and Williamson that they had been lobbied in respect of Minute 70- 21/02825/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

All Councillors declared except for Cllrs Ball, Barnett, Cheeseman, P. Darrington, Edwards-Winser, Hudson, Hunter, Hogarth, McGarvey, Pett and Raikes that they had been lobbied in respect of Minute 71 21/03526/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

All Councillors declared, except for Cllrs Ball, Edwards-Winser, Hudson, and McGarvey that they had been lobbied in respect on Minute 72 21/03404/FUL - Appleby, 3 Greenhill Road, Otford KENT TN14 5RR

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matter was considered without debate:

68. 21/03048/HOUSE - 1 Bottle Cottages, Bradbourne Vale Road, Sevenoaks KENT TN13 3DF

The proposal sought planning permission for the erection of detached garage outbuilding. The application had been referred to the Committee by Cllr Canet, over concerns related to the impact of the proposal on the Locally Listed Building and Metropolitan Green Belt.

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

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- In pursuance of section 91 of the Town and Country Planning Act 1990.
- 1) The materials to be used in the construction of the development shall be those indicated on the approved plan Application form dated 15 September 2021.

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To maintain the integrity and character of the setting of the Locally Listed Building as supported by EN4 of the Sevenoaks Allocations and Development Management Plan.

- 3) The outbuilding hereby approved shall remain of a function which is ancillary to the main house on site and shall not be subdivided nor used as a separate dwelling.

To preserve the visual amenity of the area and the openness of the Green Belt, in accordance with Policies EN1 and GB3 of the Sevenoaks ADMP.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans and details: 001, 003 Rev A, 004 Rev A

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

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

69. 20/03293/FUL - Pinehurst House Nursing Home, Pinehurst, Sevenoaks KENT TN14 5AQ

The proposal sought planning permission for the demolition of the existing building and erection of two three storey blocks, two four storey blocks and, one five storey block totalling 56 residential units with associated landscaping, cycle storage, car parking, waste and recycling stores, and external lighting.

The application had been referred to the Committee by Cllr Canet in order to assess whether the proposal is over development of the site, out of scale with the residential character of the area and assess its impact upon highways/ on-site parking provision.

Members' attention was brought to the main agenda papers and late observation sheet which did not amend the recommendation.

The Committee was addressed by the following speakers:

Against the Application:	Mr Stephen Brown
For the Application:	Mr John Ferguson
Town Representative:	Cllr Camp
Local Members:	Cllr Dr. Canet and Cllr Collins

Members asked questions of clarification from the speakers and officers. It was moved by the Chairman that the recommendations within the report, be agreed.

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Members discussed the application expressing concern that the proposal could be overdevelopment of the site due to the number of flats and was not in keeping with the local area due to its scale. Concerns were also raised in regards to insufficient parking for the number of proposed flats.

The motion to grant planning permission was put to the vote and it was lost. It was moved and duly seconded that planning permission be refused as the development would be over intensification of the site, did not comply with EN1 of the Core Strategy and was out of keeping with the residential character assessment. There was also a lack of appropriate parking facilities.

Resolved: That planning permission be refused for the following reasons

1)The proposed bulk, scale, massing and height of the development is visually obtrusive and would be out of character with the built form within the local area. As such the proposal is contrary to policies EN1 of the Sevenoaks Allocations and Development Management Plan and SP1 of the Sevenoaks Core Strategy, the Sevenoaks Residential Character Area Assessment and the National Planning Policy Framework.

2)Without appropriate on-site parking to serve the development hereby permitted would lead off off-site roadside parking, that would lead to conditions that are prejudicial to highway safety contrary to policies EN1 and T2 of the Sevenoaks Allocations and Development Management Plan.

The meeting was adjourned for a brief comfort break for the convenience of Members and Officers at 8.35pm. The meeting reconvened at 8.45pm

70. 21/02825/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

The proposal sought planning permission for creation of seven off-street car parks; the erection of 13 dwellings; an extended replacement to the existing shop and associated landscaping improvements and creation of a temporary shop. The application had been referred to the Committee as the applicant is Sevenoaks District Council.

Members' attention was brought to the main agenda papers and late observation sheet.

The Committee was addressed by the following speakers:

Against the Application: Mr Lee Minter

For the Application: -

Parish Representative: -

Local Members: -

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Members asked questions of clarification from the officer. It was confirmed that none of the trees had TPOs and that the proposal provided landscaping improvements. The proposal would also provide 311 spaces to be available daily. It was also confirmed by the officer that there was a condition for details on the phasing of the development to be submitted.

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

Members discussed the application.

The motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The materials to be used in the construction of the residential development shall be those indicated on the approved plans: A983-01B-PL-120 rev D, A983-01B-PL-121 rev C, A983-01C-PL-120 rev C, A983-01C-PL-121-C, A983-01F-PL-120 rev B, A983-01F-PL-121 rev B.

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.

- 3) The hard and soft landscaping, hereby approved, shall be carried out in accordance with the landscaping plans and planting schedules, reference numbers: Site 10 Planting Schedule, 5469 LLB ZZ E6 DR L 001 rev P03, 5469 LLB ZZ E6 DR L 0002 P03, 5469 LLB ZZ E10 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0001 P02, 5469 LLB ZZ E11 DR L 0002 P02, 5469 LLB ZZ E3 DR L 0002 P03, 5469 LLB ZZ E3 DR L0001 P03, 5469 LLB ZZ E7 DR L 0001 P02, 5469 LLB ZZ E7 DR L 0002 P02, 5469 LLB ZZ ZZ DR L 0001 P02, 5469 LLB ZZ ZZ DR L 0002 P02 and Masterplan 5469 LLB ZZ ZZ DR L 0001 P06.

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) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the

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sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

To ensure the provision, establishment and maintenance of the landscape scheme in the interests of the visual amenities of the locality in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 5) Prior to the first occupation of the dwellings on sites 6 and 10, eleven electric car charging points with suitable voltage and wiring for the safe charging of electric vehicles within the residential curtilage, shall be installed and thereafter maintained, as per approved plan numbers A983-01B-PL-102 rev C and A983-01F-PL-102 rev C.

In order to mitigate and adapt to climate change in accordance with policies EN1 and T3 of the Sevenoaks Allocations and Development Management Plan.

- 6) Prior to the use of the sites commencing, the visibility splays shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, as per approved plans 4966 03, 4966 04, 4966 05, 4966 06, 4966 08, 4966 09.

In the interests of Highways safety.

- 7) Prior to the use of the sites commencing, pedestrian visibility splays of 2 metres x 2 metres shall be provided and maintained behind the footway on both sides of the access with no obstructions over 0.6m above footway level.

In the interests of Highways safety.

- 8) Prior to the commencement of works, a Construction Management Plan shall be submitted and approved in writing to the Local Planning Authority to include the following:(a) Routing of construction and delivery vehicles to / from site(b) Parking and turning areas for construction and delivery vehicles and site personnel(c) Timing of deliveries(d) Provision of wheel washing facilities(e) Temporary traffic management / signage

To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience

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to other highway users in accordance with Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

- 9) From the commencement of works (including site clearance), all mitigation measures for reptiles will be carried out in accordance with the details contained within section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology May 2021).

In the interests of protected species and ecology on the site, in accordance with policy SP11 of the Core Strategy.

- 10) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme and means of foul sewerage for the site has been submitted to and approved in writing by the local planning authority, in consultation with Southern Water and the Lead Local Flood Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 1. That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 2. Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 12) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

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.

- 13) No development shall take place until details of the implementation and phasing for the development have been submitted to and approved in writing by the local planning authority. The approved scheme shall be phased as agreed in writing by the local planning authority. To ensure the visual amenity of the area is maintained, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan and the NPPF.

- 14) Works of demolition and construction shall only be carried out between the hours of 08.00 to 18.00 hours Monday to Friday, and 08.00 to 13.00 hours on Saturdays, with no work being permitted on Sundays or Bank Holidays.

In the interests of residential amenity in accordance with Policy EN2 of the Sevenoaks Allocations and Development Management Plan.

- 15) The applicant shall obtain a Secured by Design accreditation for the development hereby permitted, a copy of which must be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the completion of the development.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

- 16) The development hereby permitted shall be carried out in accordance with the following approved plans and details: A983-01-101 H, 5469 LLB ZZ ZZ DT L 0001 P01, 4966 01, 5469 LLB ZZ ZZ DR L 0001 P06, A983-01C-PL-110-C, A983-01F-PL-102 B, A983-01A-PL-102 D, A983-01B-PL-102a A, A983-01C-PL-102 D, A983-01F-PL-130-D, A983-01F-PL-121-B, A983-01F-

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PL-120 B, A983-01F-PL-111-B, A983-01F-PL-110-B, A983-01C-PL-121-C, A983-01C-PL-120-C, A983-01B-PL-131-B, A983-01B-PL-130-C, A983-01B-PL-121-C, A983-01B-PL-120-D, A983-01B-PL-112-A, A983-01B-PL-110- E.
For the avoidance of doubt and in the interests of proper planning.

Informatives

- 1) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 2) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents 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.
- 3) 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) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 5) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way.

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Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

1. The applicant pays for the administration costs
 2. The duration of the closure is kept to a minimum
 3. Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks' notice is required to process any applications for temporary closures. PLEASE NOTE no Temporary Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed.

This means that the Public Rights of Way must not be stopped up, diverted, obstructed (this includes any building materials, vehicles or waste generated during the works) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

No hedging or shrubs should be planted within one metre of the edge of the Public Right of Way.

71. 21/03526/FUL - Tonys Corner Shop, 18 Cedar Drive, Edenbridge KENT TN8 5JL

The proposal sought planning permission for the provision of a temporary shop unit to be used in lieu of the existing for a period of 3 years.

The application had been referred to the Committee as the applicant is Sevenoaks District Council.

Members' attention was brought to the main agenda papers. There were no public speakers registered for this item.

Members asked questions of clarification from the speakers and officer. It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application it was moved and duly seconded that condition 1 be amended to read: 'after no more than 3 years.'

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

Debate continued on the substantive motion.

The substantive motion was put to the vote and it was

Resolved: That planning permission be granted subject to the following conditions

- 1) The temporary container hereby approved shall be removed and the land returned to its former condition after three years.

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In order to preserve the character and appearance of the existing street scene in accordance with policy SP1 of the Sevenoaks District Core Strategy and Policy EN1 of the ADMP and accordance with the guidance outlined within the NPPF.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Proposed elevation plan - PL220, Proposed site Plan - A983-01C-PL-211, Proposed block plan - A983-01C-PL- 211 and the Planning statement received 21/10/21.

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

- 4) No use of the premises, works or associated activities including deliveries, loading, unloading, servicing, vehicle parking or the manoeuvring of vehicles shall be carried out outside of the hours between 07:00 am and 19:00 pm Monday to Saturday, and between 07:00 am and 14:00 pm Sundays and Bank Holidays.

To safeguard the amenity of the area and safeguard the amenities of nearby residential developments as supported by Policies EN1 and EN2 of the Sevenoaks Allocations and Development Management Plan.

It was moved by the Chairman that, in accordance with rule 16.1 Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete all the business on the agenda. The motion was put to the vote and it was agreed.

72. 21/03404/FUL - Appleby, 3 Greenhill Road, Otford KENT TN14 5RR

The proposal sought planning permission for demolition of existing dwelling, erection of 2 detached 5 bed dwellings with associated outbuildings, access and landscaping (phased development).

The application had been referred to the Committee by Cllr Roy due to concerns about the impact on the street scene, the Area of Outstanding Natural Beauty and residential amenities.

Members' attention was brought to the main agenda papers. The Committee was addressed by the following speakers:

Against the Application:	Mr Justin Boulton
For the Application:	Emma Gregson
Parish Representative:	Cllr Roy
Local Members:	Cllr Roy

Members asked questions of clarification from the speakers and officer.

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

Members discussed the application, and some concerns were raised that the development would be inappropriate due to its scale and bulk in comparison to others in the area. Concerns were also raised that it did not comply with the Otford Village design statement.

The motion to grant planning permission was put to the vote and it was lost. It was moved and duly seconded that planning permission be refused due to the development's bulk, scale and height, contrary to the ADMP and Otford Village Design Statement.

The motion was put to the vote and it was

Resolved: That planning permission be refused on the following grounds
The proposed bulk, scale and height of the development would be visually obtrusive and would fail to respect the spacious character of the built form within the local area. As such the proposal is contrary to policies EN1 of the Sevenoaks Allocations and Development Management Plan and SP1 of the Sevenoaks Core Strategy and the Otford Village Design Statement.

THE MEETING WAS CONCLUDED AT 10.45 PM

CHAIRMAN