



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
29 June 2017 at 7.00 pm**

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DEVELOPMENT CONTROL COMMITTEE

Thursday 29 June 2017

LATE OBSERVATION SHEET

4.1 SE/17/00796/FUL Merry Lees, Billet Hill, Ash, Kent TN15 7HG

This item has been Withdrawn from the Agenda.

4.2 SE/16/03875/HOUSE Colgates, Shoreham Lane, Halstead, Kent TN14 7BY

The applicants have submitted additional information regarding the imposition of condition 3. I have provided a summary of their comments in italics below and reproduced the attached photographs.

The applicants are disappointed that they were not advised of the imposition of this and other pre-commencement conditions contrary to Government advice that, “where it is practicable to do so, such conditions should be discussed with the applicant before permission is granted to ensure unreasonable burdens are not being imposed” - Dep for Communities & Local Government Planning Practice, 6th March 2014.

It is considered that a biodiversity enhancement condition is neither necessary, relevant or proportionate to the development in question.

It is also considered that the imposition of the condition precedent, ie, no development shall take place, does not go to the heart of the planning permission.

The applicants state that they value biological diversity with:

- *Large areas of the garden relatively untouched for wildlife;*
- *Retaining a long hedge in an adjacent field for wildlife;*
- *Allowing saplings and undergrowth to grow around a large tree to act as a local deer sanctuary;*
- *Kept one part of their garden forested and untouched for owls and small mammals;*
- *Preserved trees to provide homes for European green and great spotted woodpeckers;*
- *Planted indigenous saplings;*
- *Created log piles and a compost heap within the garden;*
- *Maintained two wildlife ponds;*
- *Planted plants for butterflies and bees and*
- *Have a wild poppy patch.*

The applicants confirm the future plans for their garden:

- *Creating a wild flower meadow in part of the field.*

- *Planting more lavender and erecting an arch over which climbing plants such as clematis and wisteria will hopefully grow.*

Agenda Item

- *In-filling and creating a mixed, native hedgerow where our current hedge is currently very sparse.*
- *Planting more indigenous trees to the north of the house, and*
- *Continuing to plant hundreds more daffodils, tulips, snow-drops and crocus along the length of the drive.*

To conclude the applicants assert that the proposal would be unnecessary and unreasonable and accordingly would fail to meet two of the tests as set out within paragraph 206 of the National Planning Policy Framework (NPPF).

The Councils response to this late observation is that national and local policy encourages opportunities to promote biodiversity. Members will note that the application site lies within a Biodiversity Opportunity Area

Paragraph 118 of the NPPF states that,

“Opportunities to incorporate biodiversity in and around developments should be encouraged”,

Policy SP11 of the Sevenoaks Core Strategy states that,

“The biodiversity of the District will be conserved and opportunities sought for enhancement to ensure no net loss of biodiversity”, and “opportunities will be sought for the enhancement of biodiversity through the creation, protection, enhancement, extension and management of sites”

Policy EN1 of the ADMP states that, *“Proposals which would create high quality design and meet the following criteria will be permitted:*

e) the proposal would incorporate, within the design opportunities for increase biodiversity potential, where possible, and retaining and enhancing Green Infrastructure features, including sustainable drainage systems.”

Therefore condition 3 seeks biodiversity enhancements in line national and local policy, as this proposal involves new development in a biodiversity area of opportunity and meets the tests of necessity and reasonableness the policy.

The submission of the additional information by the applicants as detailed above, includes plans for the future development of the garden, such as the creation of a wildflower garden and enhancements to the hedgerow. These would be classed as biodiversity enhancements, which would meet the requirements of policy SP11 of the Sevenoaks Core Strategy.

In light of this, the proposed biodiversity condition has been amended. So that it is no longer condition precedent requiring additional information, but that it refers to the provision of a wildflower meadow and enhanced hedgerow being installed in the planting season after the completion of the orangery.

Amend Recommendation

Amend condition 3:

The biodiversity enhancements works to create a wildflower meadow and the infilling and creating a mixed native hedgerow in the place of current sparse hedge as detailed in the note submitted dated the 29 June 2017 shall be implemented in the next planting season following the completion of the hereby approved orangery.

To promote biodiversity as supported by Policy EN1 of the ADMP and SP11 of Sevenoaks District Councils Core Strategy. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

4.3 SE/16/03876/LBCALT Colgates, Shoreham Lane, Halstead, Kent TN14 7BY

Amendment to RECOMMENDATION:

Should read:

RECOMMENDATION: That Listed Building Consent be GRANTED subject to the following conditions:





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