

## DEVELOPMENT CONTROL COMMITTEE

27 March 2014

### LATE OBSERVATION SHEET

#### Item 4.1 SE/13/03178/FUL Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead

Page 27 Policies

Insert National Planning Practice Guidance (NPPG ) after NPPF

The Government has introduced the NPPG as an online resource to be read alongside the NPPF. It incorporates a number of previously separate documents dealing with all aspects of planning guidance. The introduction of the guidance in this format has not resulted in any changes to the background legislation that would affect the determination of this application.

#### Consultations

Page 28 Environmental Health:

No further comments

Page 30 Kent PROW Insert the following

I would reiterate that the Cremation Act 1902 does not simply refer to a 50 yard building line from public highways but includes the fact that the scattering of ashes cannot take place within 50 yards of a public highway, such as public footpath SR41.

I would also still object to the extension of the tall acoustic fence running alongside the A224 which is shown to extend at its northern end to the west along the first few metres of the southern side of the public footpath blocking light and close views from the path. This will impact on the visual amenity of walkers and may lead to the field edge path becoming more muddy and wet as natural sunlight is excluded from this section.

I am also concerned about the solitary bee nesting tubes and bumble bee nesting boxes which it is stated will be installed away from public areas yet seem to be just on the other side of the boundary from the public footpath. Has a risk assessment been undertaken to ensure that users of the footpath will not be exposed to any increased danger of being stung?

Officer Comment:

The position of the fence has been amended to overcome the concerns expressed above.

The position of bee nesting tubes could be dealt with by condition to overcome these concerns should permission be granted.

Page 31 Natural England:

No additional comments to those already made

Page 33 Insert the following

Kent Downs AONB Unit:

The Application is within the setting of the Kent Downs but not overly overlooked nor does it impact visually on views either into or out from the AONB, however the landscape character of the setting is also of importance. The concept of the setting of the AONB is both about visual impact on views towards and out of the AONB, and the value of the landscape character as one leaves and enters the AONB.

Late Observations

27 March 2014

The Sevenoaks Countryside Assessment identifies the character area as 'Knockholt and Halstead Downs' and sets out Landscape Actions:

New landscape features needed to accommodate new uses:

- Rural heritage features should be reinforced, such as woodlands and hedged boundaries to roads
- Features introduced into the urban fringe landscape should express both historic and natural characteristics of the area
- Involve the provision of a rural fringe edge which enhances the wildlife interest and provides space for urban recreation

The KDAONB support the Countryside Assessment which supports and reflects the needs for the setting of the AONB. It appears that planting on the plans does not reflect the advice of the Sevenoaks Countryside Assessment. For instance planting should be indigenous and reflect local landscape characteristics. It is noted that the illustrations in the Design and Access statement indicate coniferous trees which are out of character with the existing environment. This may be just an illustrative error and be addressed through conditions or a detailed landscape and management plan, it is however rather misleading as it gives an inaccurate illustration of the facility. If this facility is to be acceptable in this location in the setting of the Kent Downs AONB it should be designed to settle into the landscape that is then enhanced to reflect the best characteristics of the Landscape character of Knockout and Halstead Downs.

The character of this area is dependent on its soft landscaping as in this particular location it is relatively flat and overlooked from rising land to the south, north and northwest.

The concept of a crematorium in this location should reflect an agricultural heritage and not set out to achieve a semi urban garden of remembrance. Such a landscape of natural shaws and copses, ponds and water features using indigenous planting will take several years to mature to become a pleasant area for the setting of a crematorium. The openness of this site and existing lack of landscape structure begs the question as to whether this is the right place for this facility.

#### Amenity of users of Public Rights of Way and Access

It appears that the amenity of the PRoW adjacent to the site could be at risk. Amenity of the PRoW should not be challenged. This PRoW links into the network of PRoW in the Kent Downs AONB to the west. Kent Downs Management Plan Access and Enjoyment Policies support the informal recreation in the AONB which includes ensuring the quality of PRoW within the AONB and the network linking to the wider countryside rural villages and urban areas. This is supported by the Sevenoaks Green Infrastructure policies. Fencing and planting should not therefore impact on the PRoW. Design of the acoustic fencing indicated on page 29 of the Design and Access statement needs to be carefully done and set back within landscaped boundaries.

#### Lighting

Lighting should not be required after dark / end of the crematorium day and low level heat/movement activated lighting at night for security should be minimal.

The impact of lighting on the dark night skies in the setting of the AONB is important, as referred to in the Kent Downs AONB Management Plan, SDT and Natural resources policies and supporting text on tranquillity, and supported by the NPPF paragraph 125. Lighting also has impact on wildlife and development impacts on biodiversity are also addressed in the Kent Downs Management Plan in the Biodiversity chapter and policies. It appears from paragraph 6 of the design and Access Statement that lighting will be used within the public spaces for aesthetic purposes. We would suggest that this is unnecessary and to be avoided.

*The application as it stands at present has elements which are of concern to the Unit, as indicated above.* However provided mitigation and design to ameliorate the impact of the Late Observations

development and a new enhanced landscape which reflects the landscape characteristics of the area can be achieved, the Kent Downs AONB would raise no objections. It would then not impact significantly on the purposes of the AONB designation and the aims and policies set out in the AONB Management Plan.

Page 38 Tandridge DC  
No objections

Page 39 insert the following  
Halstead PC:

The Parish Council **STRONGLY OPPOSES** this planning application.

The Parish Council noted that the legal obligation is not on headed paper and there is no indication who prepared this document. The Parish Council believes this document is irrelevant.

Council has received the appeal decision which relates to the planning application made by Memoria. The appeal was dismissed.

The Appeal Inspector stated that very special circumstances had not been proven to justify the harm which would be caused to the Green Belt by the erection of a crematorium.

The Parish Council believes that this statement is relevant to the application made by Mercia. The protection of the Green Belt is of paramount importance as it is the only protection that exists between the encroachment of the metropolis. The Core Strategy states that extenuating circumstances Must BE Proven

### Representations

Page 43 para 101

A further letter of objection has been received from the applicants of the Orchard Barn site rising the following issues:

- The removal of the crushing/screening activities alone would not by themselves result in a significant improvement to the green belt and would be difficult to monitor
- Concerns about the S106 relate to the questioning of the owners intentions to comply with such an agreement
- If such an agreement is to be entertained then it should be implemented prior to the commencement of development not upon the commencement of use.
- The agreement is too vague about precisely what constitutes equipment and plant to be removed

### Recommendation

My recommendation is unchanged.

### Item 5.1 310/08/042 The Grove Café, The Grove, Swanley, BR8 8AJ

Please insert the following letter from Councillor Searles:

I would firstly like to apologise for my absence this evening but I am chairing a meeting of The Alzheimer's and Dementia Support Services

### **The Grove Cafe**

Despite the recommendation to refuse this application from Swanley Town Council on the grounds set out at Para 34 and 35 permission A3 was given for a Cafe, this permission was more than had been requested, which originally was for staff working on the Industrial Estate only, see Para 22.

After a short period The Cafe then extended and an retrospective application was submitted, the extension was built over the informal pedestrian area set aside for car parking , cycle stand and pedestrian area/route and on land not in the applicant ownership see Para 25 Since this Cafe was built enforcement officers have visited the site on numerous occasions as fly posting on DIY hoardings (a wooden pallet), street furniture and the walls on Park Road Car Park owned by SDC have been a regular occurrence.

It was then discovered that the original Cafe was not wholly built on land in the ownership of the Applicant, when I question this with officers I was told it's only the thickness of a wall and was not the concern of SDC, Para 4. I believe that land owner is taking separate legal action. Then when the Cafe was enlarged the extension as described as a pvc conservatory see Para 30 was in fact wholly built on land not in the ownership of the Applicant (on another landowners land, not mention in the report) and over an area reserved for car parking etc as conditioned in the original permission see Para 25.

### **Loss of Amenities and Harm**

The residents of Sheridan Close, (see Para 9) which back onto The Grove suffer from flooding issues and this development has increased the risk, many residents have written to Michael Fallon. The residents have also had to indure traffic from as early as 6am as the Cafe is not keeping to the condition originally set Para 23 which gave opening times from 8am etc. By the nature of the Cafe being enlarged the residents have had to suffer an increase in noise and smells, especially if the wind is blowing in their direction. The residents are also complain of not being able to access their garages as the parking on the Industrial Site is restricted (see Para37/38) and customers are parking across their garage doors. I put it to members that the Conclusions Para 39 are completely wrong and the Cafe in general has a great adverse impact on the privacy and amenities, as set out above, of the residents and other businesses in the area. I feel if ever there was a case to push for enforcement then this should be the case, the applicant has ridden rough shod over the Council and now laughing in their face.

I would like to see enforcement take place at the very least on the extension by inviting the applicant to remove it (it doesn't have permission and the application has been withdrawn, see Para 14/15 History) and that the applicant adheres to the strict times of opening.

Thank you.

Cllr Tony Searles