



**Late Observations Sheet
Development Management Committee
01 June 2023 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 01 June 2023

LATE OBSERVATION SHEET

4.1 - 22/00512/OUT - SEVENOAKS QUARRY, BAT & BALL ROAD, SEVENOAKS, KENT

Sevenoaks Town Neighbourhood Plan Update

At a meeting of SDC's Full Council on 23 May 2023, the Council resolved to that the Sevenoaks Town Neighbourhood Plan (STNP) should be formally Made (i.e. adopted) for the designated neighbourhood area.

As a result, the STNP now has legal effect as part of Sevenoaks's statutory Development Plan. Development proposals located within the designated area, which includes a significant proportion of the Sevenoaks Quarry site, should therefore be determined in accordance with the Development Plan including the STNP unless material considerations indicate otherwise.

All references to the policies of the STNP within the committee papers should be viewed in this context.

Correction

In paragraph 265 of the report to committee on Agenda Item 4.1, it states that 53 hectares of the site would be retained as strategic open space (including open water), as part of the development proposals. This figure should, in fact, be 63 hectares, broadly comprising 47 hectares of strategic open space and landscaping and 16 hectares of open water bodies. This represents 67% of the 94 hectare site. This is consistent with figures detailed elsewhere in the report.

Public Comment

One further public objection has been submitted following the completion of the committee papers, setting out concerns relating to traffic impact and the capacity of infrastructure to support the proposed development. These matters are addressed within the report.

Recommendation Remains Unchanged

4.2 - 22/02053/FUL - Plot 4, GRAZING LAND SOUTH OF VIADUCT TERRACE, HORTON ROAD, SOUTH DARENTH, KENT

Paragraphs 167 to 169 of the Officer's Report refer to the need for gypsy and traveller sites in the District, which forms part of the case for very special circumstances put forward by the applicant.

In this regard, it should be noted that in 2022 a Gypsy and Traveller and Travelling Showpersons Accommodation Assessment (GTAA) was undertaken as part of the

evidence base for the emerging Local Plan. The assessment states that the total supply of gypsy and traveller pitches within the District is currently 155 pitches. However, there is a need for 43 additional pitches over the period of 2022/23 to 2039/40.

Since the assessment, 6 pitches have been granted which means the assessed need is now 37 (over the period to 2040).

The GTAA also assessed an immediate 5 year need of 5 gypsy and traveller pitches from 2022/23 to 2026/27. As mentioned above, there has been a net gain of 6 permanent pitches being delivered across the District.

The immediate 5 year need has therefore been addressed. However, there is still a long term shortfall of pitches within the District.

It is considered that the current application will help with the Council's progress and commitment towards addressing the long term need.

Recommendation Remains Unchanged

4.3 - 22/01134/FUL - COLES FARM, BORE PLACE ROAD, CHIDDINGSTONE, EDENBRIDGE, KENT TN8 7AP

One further representation has been received, raising concerns over the officer's report. Their comments are below and reference the relevant paragraph. The Officer's response is in *italics*:

Para 15: SDC have omitted the original text which urged SDC to consider para 180 of the NPPF. *The reports reported are summarised within the Officer's report. Para 180 of the NPPF advises development which will have an adverse impact on the SSSI should be refused. However as detailed below the scheme will not adversely affect the SSSI and Natural England have not raised an objection to the scheme.*

Para 40: The report refers to the sand school being located in "an open field". It would be more correct to acknowledge it as being on "a Local Wildlife Site" as well as "in a SSSI Impact Risk Zone and Amber Risk Zone for Great Crested Newt". *The officer's report is describing the appearance of this part of the site within this sentence. The Officer's report in numerous other paragraphs refers to the site's designation as a Local Wildlife Site and lying within the close proximity to the SSSI and therefore within the 15m buffer normally associated with a SSSI, ie, SSSI Impact Risk Zone.*

Para 46: The stables are not in "close proximity" to the sand school. *It is not considered that distance between the stables and riding school to be excessive, nor unrelated. It is our view that it is in close proximity.*

Para 57: This is incorrect. Nowhere in any of its correspondence have Natural England "confirmed" that if the mitigation report submitted is complied with would it protect the special interest of the site. Instead, in its last correspondence

Natural England stated “the lack of detailed comments on these matters should not be taken as Natural England endorsing the application nor suggesting that impacts are unlikely to result”. *Following on from the comments received from Natural England, this has been taken into account within the assessment. Natural England refer directly to Ecological issues and if granted they have provided suggested wording for conditions. Although they have referred to the lack of comments resulting in no confirmation that the development would not harm the ecology on the site, the comments from KCC Ecology have also been taken into consideration and on balance along with the biodiversity net gain proposed, the development would not detrimentally harm the biodiversity to the site. Natural England did not object to the scheme.*

Para 58: Nowhere have Natural England “confirmed that they development would not detrimentally harm the SSSI”. Instead, Natural England stated “the lack of detailed comments on these matters should not be taken as Natural England endorsing the application nor suggesting that impacts are unlikely to result”. *Natural England did not object to the scheme. KCC Ecology have fully assessed the potential impact to the biodiversity on the site, including the impact to Great Crested Newts. KCC Ecology have not objected to the application, subject to the inclusion of conditions to be impose, which have been included.*

Para 60: The owner purchased the site in June 2018 in the full knowledge that it is a Local Wildlife Site but has failed to take a duty of care to maintain it. Their negligence should not be rewarded by the passing of this development. *The current condition of the site is taken into consideration with the assessment. How the applicant has failed to take a duty of care to maintain this in the past is not a planning consideration and is not of the control of the Local Planning Authority. However, biodiversity net gain has been conditioned to achieve 20% uplift to be included on the site, which is seen as a positive contribution to the development and on balance would not result in a detrimental loss of habitat to the site.*

Para 62: The original claim of a net gain of 197.73% is incorrect as was superseded in later comments from the ecologist themselves. This was modified to 79.86% in subsequent comments from the surveying ecologist and remains challenged and unproven. *The National requirement for Biodiversity Net Gain (BNG) is 10%, which comes into force from November 2023. However under condition 4, we are requiring a 20% BNG uplift, which is above the National requirement and in recognition of the impact upon the Local Wildlife Site and needed for enhancement.*

Para 67: This is an unproven and subjective statement which should be corrected. It contradicts statements made elsewhere in the Officer’s Report that “the proposed development would clearly significantly impact the Polebrook Local Wildlife Site (Item 61)” and that “it is fully acknowledged that the proposal could have an impact upon the neighbouring SSSI (Item 56)”. *We fully acknowledge that the development would impact the Polebrook Wildlife site and has the potential to impact the SSSI. However, subject to the conditions requested by Natural England and KCC ecology, the impact on balance is not considered so detrimental*

to warrant a refusal and on balance would comply with the relevant local and national policies. Planning applications should be refused, if the harm can be mitigated by conditions.

Para 75: This point has not been understood by the Planning Officer. Since the application was submitted, a fence has been installed along the width of the field where the sand school is proposed. This suggests that they intend to actually build the arena approx 5 metres north of where it is shown on the submitted plans. This would push it even closer to the SSSI and be within the protected tree root allowance (and it was already only 6 inches away from the limit). For the sand school to be built where the plans show, this new fence would have to be removed entirely or, if they intend to deviate from the submission, new plans and surveys should be submitted. *If permission is granted, it is being approved in the position shown on the proposed plans, not where fences have been installed. If the sand school is to be erected in a different position, the development would require a separate planning application.*

Para 75: This point has not been understood by the Planning Officer. The issue is not with the nearest public highway which is indeed some distance from the sand school. It relates to the driveway serving Polebrook Farm which would be within 4 metres of the sand school along its entire length and carries frequent domestic and agricultural traffic at speed. Horses in what is currently the paddock are regularly startled by traffic in such close proximity and this will only be heightened by concentrating activities on a sand school at this location. *The location of the sand school within close proximity to the access road to Polebrook Farm is not a material planning consideration, in terms of potential of startling horses. There are no government or local development plan policies covering such matters.*

Recommendation Remains Unchanged