



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
01 July 2021 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE

Thursday 1 July 2021

LATE OBSERVATION SHEET

4.1 20/02892/FUL - Sevton, Powder Mill Lane, Leigh KENT TN11 9AR

Additional information

- 1.1 The applicant has submitted examples of pet crematorium facilities approved and these include the At Rest Pet Crematorium, Nottinghamshire, which indicates dwellings located 18 metres away from the flue pipe. The Mirfield Pet Crematorium, West Yorkshire, which has dwellings located around 40 metres away from the flue pipe.
- 1.2 The applicant explains that in both these examples, residential properties are sited much closer to the flue than the nearest house to the proposed flue at Sevton Farm. Both of these examples required planning consent and therefore the local planning authority and their environmental health team were happy that the location of the flue would not have an adverse effect on the amenity of nearby residential properties. There has also been no issues reported since these facilities commenced operation.

Further consultation response

- 1.3 Additional comments have been received from Sevenoaks District Council Environmental Health and can be summarised as follows:

“As the burn rate is less than 50 kg an hour then the equipment falls under the threshold for requiring a permit from the Local Authority as it does not have the pollution potential to fall within the regime. However it is still covered by other guidance issued by the Animal Health and Veterinary laboratories Agency for horse carcasses are incineration. I do not oppose granting of planning permission for this proposal.”

Additional representations

- 1.4 An objection has been received raising concerns in relation to increased noise, disturbance, pollution and adverse impacts upon the highway conditions within Burton Avenue.
- 1.5 The above concern is considered within the committee report at Paragraphs 60- 79.
- 1.6 An objection has been received raising concerns about the impacts the proposal would have on resident’s human rights. The objection also raises concerns that local councillors are not sufficiently independent of the Council and impartial. They refer to the Human Rights Act and Article 6 of the Convention which is the right to a “fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.

Supplementary Information

- 1.7 As referenced at Paragraph 74 of the committee report, the Council is alive to the impact of the Human Rights Act, as a significant number of planning applications have an impact on property rights and rights to private and family life, as well as those which engage potential discrimination. This is a normal consideration of the local planning authority when dealing with either delegated decisions or committee decisions.
- 1.8 There is no requirement by law for these matters to be referred directly to Committee and indeed the Council should abide firstly with the governing procedures including the due delegations in its constitution. The purpose of Planning Officer's report and presentation to committee is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations. It is perfectly reasonable and normal for an Officer to give their assessment of the planning merits.
- 1.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Conditions

- 1.10 Condition 5 is to be amended to read as follows:

Use of the site shall be limited to one cremation per day.

In the interests of pedestrian and highway safety and residential amenity and to accord with Policy T1, T2, EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

- 1.11 An additional condition requiring details of the colour and external materials of the flue pipe is to be added and shall read as follows:

Prior to the use of the site commencing details of the colour and external materials of the proposed flue pipe shall be submitted to and approved by the Local Planning Authority and retained as such thereafter.

In the interests of the character and appearance of the area in accordance with policy EN1 of the Sevenoaks Allocations and Development Management Plan.

Informative

- 1.12 Informative 1 shall be amended to reference the correct website and shall read as follows:

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.

Conclusion

- 1.13 The overall conclusions and recommendation for approval held within the main papers remains unchanged, with the exception of the insertion of the above amended and additional conditions and informative.

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