

**DEVELOPMENT CONTROL COMMITTEE**

**27 March 2014 at 7.00 pm**

**Council Chamber, Argyle Road, Sevenoaks**

**AGENDA**

**Membership:**

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Underwood and Walshe

**Pages**

**Apologies for Absence**

1. **Minutes**

(Pages 1 - 22)

To approve the minutes of the meetings of the Committee held on 27 February 2014 and 5 March 2014 as a correct record.

2. **Declarations of Interest or Predetermination**

Including any interests not already registered

3. **Declarations of Lobbying**

4. **Planning Applications - Chief Planning Officer's Report**

4.1. **SE-13-03178-FUL - Land North Of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB**

(Pages 23 - 72)

Demolition of 1 buildings & a silo. Change of use of land for the erection of a new crematorium, memorial garden, fencing, landscaping and car parking, together with new entrance gateway off internal access road.

5. **Enforcement of Planning Control**

5.1. **310-08-042 - The Grove Cafe, The Grove, Swanley BR8 8AJ**

(Pages 73 - 80)

**EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

**If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000**

For any other queries concerning this agenda or the meeting please contact:  
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 24 March 2014.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 27 February 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice Chairman)

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Dickins, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton, Underwood and Walshe

An apology for absence was received from Cllr. Mrs. Dawson

Cllrs. Ayres, Davison and Scholey were also present.

The Chairman opened the meeting and immediately adjourned in order to allow Members additional reading time to consider the Late Observation papers tabled by Officers. The meeting reconvened at 7.07 p.m.

The Chairman explained that, with the agreement of the Members, the order of the agenda would be amended in order that items 4.1 - SE/13/00134/FUL - Land at Station Road and Fircroft Way, Edenbridge TN8 6HQ and 4.2 - SE/13/00935/FUL - Land at North West Junction with St Johns Way, Station Road, Edenbridge TN8 6EB could be considered at the same time, as had been done at the meeting on 8 August 2013. Item 4.1 would be introduced by Officers, who would be followed by the public speakers and questions. The same process would then be carried out for item 4.2. A debate would then be held and a decision made on item 4.1 followed by a debate then decision on item 4.2.

109. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 30 January 2014 be approved and signed by the Chairman as a correct record.

110. Declarations of Interest or Predetermination

Councillor Miss. Stack declared that she knew the Agent of item 4.3 SE/13/03560/FUL - The Old Chapel, 185 London Road, Dunton Green, Sevenoaks, TN13 2TB, from attending local networking events.

Councillor McGarvey advised that he knew the applicant and objectors as it was a small village for item 4.4 SE/13/03831/HOUSE - White Gables, High Street, Farningham, Dartford DA4 ODB and that it had been discussed at the Parish Council, but he had not take part in the debate or vote and had therefore not predetermined the application.

Councillors Cooke and Miss. Thornton declared interests in item 4.5 SE/13/03361/FUL - Derelict Oast House, Oast Farm, Lydens Lane, Hever. Councillor Cooke was involved in

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a dispute and Councillor Miss. Thornton was a long standing acquaintance of the applicants. Neither would take part in the debate or vote on this item.

#### 111. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 113, SE/13/0134/FUL – Land at Stations Road & Fircroft Way Edenbridge, TN8 6HQ and Minute 114, SE/13/00935 – Land north west of junction with St Johns Way, Station Road, Edenbridge, TN8 6EB.

Councillors Clark, Dickens and Miss. Thornton declared that they had been lobbied in respect of Minute 114 , SE/13/03560/FUL – The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB.

Councillors Clark, Mrs. Davison, Dickens, McGarvey, Piper and Underwood declared that they had been lobbied in respect of Minute 115, SE/13/03831/HOUSE – White Gables, High Street, Farningham, Dartford DA4 0DB.

#### Reserved Planning Applications

The Committee considered the following planning applications:

#### 112. SE/13/00134/FUL - Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ

The Committee had previously resolved to grant permission for this application on 8 August 2013 subject to the completion of an acceptable unilateral undertaking within three months of the meeting and as per conditions to be agreed in consultation with the local Members. Due to the size of the proposed floorspace, the application was referred to the Department of Communities and Local Government (DCLG) to decide whether the Secretary of State wished to call it in. The DCLG confirmed by letter dated 19th December 2013 that the Secretary of State did not wish to call in the application, however because the planning obligation attached to 13/00134/FUL had not been completed within the three month deadline resolved by committee, the application was now back before the Committee in the form of an update report. A signed planning obligation had now been received and the report sought confirmation that the Committee wished to update their previous resolution and grant permission for the development. The conditions had been agreed with Local Members and were set out in the report. The report also considered the implications of the sale of the Coop store in the town centre to Waitrose. Members' attention was brought to the late observations sheet which set out the findings of the Council's retail advisor GVA in response to a letter of objection from Waitrose; a letter received from Sainsburys in response to the objection; a letter from Tesco's and Officer comments. The late observations sheet did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Rupert Simpson
For the Application:	Peter Kingham
Parish Representative:	Cllr. Davison
Local Member:	Cllr. Scholey

Members asked questions of clarification from the Speakers and Officers. The Committee then heard the Officer presentation and speakers for application SE/13/00935/FUL (see Minute 113) before moving to debate.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant permission subject to conditions, be agreed.

It was confirmed that the store was classed as an 'out of centre' store not an 'out of town' store. Members had due regard to the advice given by the GVA and discussed the potential benefits and detrimental impacts allowing the application would have on the town centre. It was noted that the local Chamber of Commerce was in complete support of the application. Most Members were in agreement that it was not a question of branding but which application would bring the most benefit to the area and fulfil community needs; and a question of better location, site and access. A Member pointed out that the Committee had already agreed this application and it had only had to return to Committee for consideration due to the time delay over the s.106 planning obligation.

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 3 years from the date of this permission.

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

- 2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area, and to minimise impact on bats in accordance with Policies EN1 and EN31 of the Sevenoaks Local Plan, SP11 of the Core Strategy and the NPPF.

- 4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration, fume and extract and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include product details and noise specifications where appropriate and scaled drawings to show appearance and position of the plant on the site. The plant shall be installed only in accordance with the

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approved details and maintained thereafter. The maximum noise levels detailed in the acoustic specification shall not be exceeded for the duration of the use.

In the interests of visual and residential amenity in accordance with Policy EN1 of the Sevenoaks Local Plan.

- 5) Once installation is complete and prior to the store becoming operational, a noise validation assessment of the plant and equipment shall be carried out. If sufficient attenuation of the noise has not been achieved in accordance with the noise specifications detailed in the acoustic report approved under condition 4, mitigation measures shall be submitted for approval. These measures shall be implemented and maintained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 6) Within 6 months of the store becoming operational, the applicant shall carry out a further acoustic assessment of the store.. If observed noise levels are greater than 3 dB(A) above the predicted levels, then additional mitigation works to bring it below this level shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented within 3 months of their approval and retained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

- 7) No groundworks, other than the demolition of the existing buildings, shall be commenced until:
  - a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and
  - b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:
  - c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effective of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

- 8) The premises shall not be open to visiting members of the public outside the hours of 07:00 to 22:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays.

To safeguard the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 9) No more than 30% of the net sales floor area shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 10) Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

- 11) The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 12) No development shall be carried out on the land until full details of soft and hard landscaping works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.- height, material and finish of all boundary treatments.- planting plans (identifying existing planting, plants and trees to be retained and new planting). The proposed planting plans shall show native planting.-a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities) and-a programme of implementation. Soft and hard landscaping and boundary treatments shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. Boundary treatments shall be maintained thereafter. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or

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diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area in accordance with policy EN1 of the Local Plan.

- 13) The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority
- i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM Very Good standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority and
  - ii) Prior to the occupation of the development, that the development has achieved BREEAM Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

- 14) Notwithstanding the details submitted with the planning application, development shall not begin until a sustainable water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 100yr critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on, or off site. The submission shall address the following issues: An estimate of inflow entering the site from the railway culvert should be made, in order to assess the size of the proposed pipe needed to connect it to the surface water network on Fircroft Way. A detailed network analysis to confirm proposed discharge will be no greater than the existing rate and that a sufficient volume of storage will be provided. A 20% increased rainfall intensity should be used in the design to accommodate climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

To prevent an increased risk of flooding both on and off site.

- 15) Prior to commencement of the use, details of bat and bird boxes located throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to use of the store and approved thereafter.

In the interests of ecological protection in accordance with policy SP11 of the Core Strategy and the NPPF

- 16) Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.



To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

- 17) Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

To ensure provision of adequate off street parking for vehicles, in the interests of highway safety and to protect the amenity of local residents.

- 18) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels chassis and bodywork effectively cleaned and washed free of mud and similar substances.

In the interests of highways safety and amenity.

- 19) No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing CHQ.11.9683-PL05B. The spaces approved shall be retained for parking in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with policy EN1 of the Sevenoaks District Local Plan.

- 20) No part of the development shall be occupied until secure cycle parking facilities for both staff and customers have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy.

- 21) Prior to the commencement of the development, a scheme for the management of deliveries shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure the impact of deliveries is minimised in accordance with policy EN1 of the Sevenoaks District Local Plan.

- 22) The development hereby permitted shall be carried out in accordance with the following approved plans: CHQ.11.9683-PL02, CHQ.11.9683-PL03, CHQ.11.9683-PL04, CHQ.11.9683-PL05B, CHQ.11.9683-PL06,

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CHQ.11.9683-PL07, CHQ.11.9683-PL08, 3150/20C, 3150/21, 925-01, 925-02, 925-04, 925-05.

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

- 23) Prior to commencement of the use, details of an electric vehicle charging point in the public car park shall be submitted to and approved by the Local Planning Authority. The electric vehicle charging point shall be installed prior to commence of the use, and maintained thereafter.

In the interests of sustainability.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, VP1, EP8 , EB1

Sevenoaks District Core Strategy 2011 - Policies LO1, LO6, SP1, SP2, SP8, SP9, SP11 NPPF

The following is a summary of the main reasons for the decision:

The scale, location and design of the development would respect the context of the site and enhance the visual amenities of the locality.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development would not have a detrimental effect on residential amenity

The proposal would provide an adequate level of parking provision

Although there would be a loss of employment land ,there would be an increase in the number of jobs

There would be planning benefits to Edenbridge in the increased retail choice provided by the development.

#### Informatives

- 1) Underwater fuel storage should be undertaken in accordance with the Environment Agency's Ground Water Protection: Policy and Practice (GP3) and with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations. The Environmental permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.
- 2) The applicant will be required to enter into a Section 278 agreement with the Highway Authority in order to undertake any works on the public highway.
- 3) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

(Cllr. Walshe arrived during the beginning of the presentation and speakers for this application and did not vote on this matter.)

113. SE/13/00935/FUL - Land North West Of Junction With St Johns Way, Station Road, Edenbridge TN8 6EB

It was noted that the application was deferred from the Committee meeting held on 8 August 2013 in order to await any decision of the Secretary of State for Communities and Local Government on application SE/13/00134/FUL. Permission was sought for the demolition of the existing buildings and redevelopment of the site to provide a Tesco food store with the main vehicular access for customers on St Johns Way. The access was originally shown from Station Road but had been altered following a Highways objection. A unilateral undertaking had been proposed which made a number of provisions which were material to consideration of the planning application as they directly related to the impact of the development proposal. Members' attention was brought to the late observations sheet which set out some late comments but did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Stuart McGregor
For the Application:	Richard Williams
Parish Representative:	Cllr. Davison
Local Member:	Cllr. Scholey

Members asked questions of clarification from the Speakers and Officers. The Committee then debated SE/13/00134/FUL (see Minute 112) and took a decision on that application before moving to debate this application.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse permission, be agreed.

Members again had due regard to the advice given by GVA, and took into account the impact of the decision taken to approve the Sainsburys application (see Minute 112 above). Some Members were also concerned with potential traffic issues and the site's location. Councillor Mrs. Davison moved an additional reason for refusal, which was duly seconded, on the grounds of the disruption to the nearby residential properties by noise, lighting and general disturbance. She was keen that associated traffic movements be included. On advice of the Acting Development Control Manager she agreed that this would be covered by EN1.

The amendment to the motion (to include additional grounds for refusal) was put to the vote and was carried.

The substantive motion was then put to the vote and it was

Resolved: That planning permission be REFUSED for the following reasons

- a) the capacity for out of centre retail provision would be met through the planning permission resolved to be granted at land at Station Road and Fircroft Way under SE/13/00134/FUL. In the absence of capacity for any

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further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal was considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF;

- b) the proposed development, including associated traffic movements, would cause an unacceptable level of disturbance detrimental to the amenities of adjoining residents contrary to Saved Local Plan policy EN1.

At 9.00 p.m. the Chairman adjourned the Committee for the convenience of Members and Officers. The meeting resumed at 9.10 p.m.

#### 114. SE/13/03560/FUL - The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB

The proposal was an amended resubmission which sought planning permission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing. The application had been called to Development Control Committee by Councillor Brown to consider the impact of the proposal on the street scene and on parking. Members' attention was brought to the late observations sheet which proposed amendments to Conditions 4 & 5.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Nicholas Appleby
Parish Representative:	Freda England
Local Member:	-

Members asked questions of clarification from the Speakers and Officers.

It was moved by the Chairman and duly seconded, that the recommendation in the report to grant permission subject to conditions contained in the report and amended in the late observations sheet, be agreed. It was noted that the previously refused application had included a mezzanine floor and had Kent Highways had objected on that basis, this application did not apply for a mezzanine floor and the conditions proposed prevented development of any additional floor space. The property was Class D1 of the Use Class order and a nursery also fell under this category which meant that permission was not required for the proposed use.. The question of number of children attending fell outside of the planning remit.

Members questioned the need for dormer windows if there were no mezzanine floor, and did not like the loss of the original frontage and its potential impact on the street scene. It was also felt that the fence height requested was too intrusive so close to the highway. The local Member speaking as a member of the Committee was concerned by traffic movements as raised with the previous application.

The motion was put to the vote and lost.

In response to questions the Acting Development Control Manager advised against including highways and traffic issues in any grounds for refusal.

The Chairman moved, and it was duly seconded, that the application be refused on the grounds that the extensions and alterations, including the proposed dormers, and the alteration to the door and the fence would have an adverse impact on the street scene.

The motion was put to the vote and it was

Resolved: That by virtue of the scale, setting and design of the dormer windows, entrance lobby and fencing the proposal would result in a form of development that would appear detrimental to the character of the existing building and be an incongruous feature within the wider street scene. This was not in accordance with policies EN1 of the Sevenoaks District Local Plan, SP1 of the Sevenoaks Core Strategy and the National Planning Policy Framework.

115. SE/13/03831/HOUSE - White Gables, High Street, Farningham, Dartford DA4 ODB

The proposal sought permission for demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension. It was a resubmission of a scheme previously refused at committee contrary to the officer's recommendation (planning reference SE/13/13/00628/HOUSE refers). The application had been taken to appeal and withdrawn. The proposal was the same as the previously refused scheme and had been considered against Section 70A of the Town and Country Planning Act 1990 to establish if there were grounds to refuse to accept the application. It had been found that the Local Authority could not decline to entertain the application in this instance, as the local authority had to have also refused more than one similar application within a two year period. The officer assessment and recommendation was also the same as previously except that it responded to new points raised in the consultation replies. The application was called to Committee by Councillor McGarvey due to the concerns that the proposal may result in an overdevelopment of the cramped site, and that the proposal may affect the amenities of existing neighbours and future occupants of the site and on the grounds of highway safety.

Members' attention was brought to the late observations sheet which commented on a further representation received, and did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	Mr B Roberts
For the Application:	-
Parish Representative:	-
Local Member:	-

Members asked questions of clarification from the Speakers and Officers. A Member asked whether there was a condition for soft landscaping, the Case Officer response that there was not but it could be added.

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At 10.27 p.m. it was moved by Cllr. Miss. Thornton and duly seconded that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda. The motion was put to the vote and it was

Resolved: That the meeting be extended past 10.30 p.m. to enable the Committee to complete the business on the agenda.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant permission subject to conditions, be agreed.

Members were disappointed that this had come before Committee again and felt that the previous reasons for refusal still stood as stated in the report including conflict with policy LO8 of the Core Strategy.

The motion was put to the the vote and lost.

The Chairman moved, and it was duly seconded that the application be refused for the previous reasons listed at paragraph 22 of the report and including LO8 of the Core Strategy. The motion was put to the vote and it was

Resolved: By virtue of its size, bulk and position the proposal would result in a cramped form of development within the site which would be detrimental to the character of the street scene and would fail to preserve or enhance the Conservation Area. This is contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and the National Planning Policy Framework and Core Strategy Policy LO8.

116. SE/13/03361/FUL - Derelict Oast House, Oast Farm, Lydens Lane, Hever

The proposal sought permission for restoration and conversion of a former Oast House to a single residential dwelling with associated garden access and parking. The application followed the refusal of permission for a similar proposal that was not accompanied by a legal agreement setting out an acceptable financial contribution towards an affordable housing provision. The application was therefore refused solely on the basis that it failed to comply with policy SP3 of the Core Strategy. The applicant had now agreed an appropriate level for a contribution and had completed a legal agreement containing the agreed contribution. Members' attention was brought to the late observations sheet which commented on the previous reason for refusal and did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Jane Horibin
Parish Representative:	Cllr. Scholey
Local Member:	Cllr. Davison

Members asked questions of clarification from the Speakers and Officers. In response to questions the Case Officer advised that the scale, size and amount of work was more

than the policy permitted but there were special circumstances. If the applicant separated the proposal out, proposed the alteration of the building to restore the oast house and once completed applied to convert the building to a residential use it was unlikely that the Council would have grounds to prevent this from occurring in this instance. He was therefore of the opinion that the conflict within the policy should not prevent the current application. The applicant had also put forward a number of other very special circumstances that mainly involved the restoration of the curtilage listed building, which should be given material weight. The building was curtilage listed, due to its historic link to the listed farmhouse to the south-east of the site, and so was a designated heritage asset. As such there was a duty on the Council to have special regard to the desirability of preserving the building. It was also the case that great weight should be given to the asset's conservation. In response to a further question he did advise that a condition could be placed requiring detailing of foundations to be submitted.

It was moved by the Chairman and duly seconded that the recommendations in the report to grant permission subject to conditions, be agreed. Members discussed the merits of the application in the light of relevant policy.

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) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the reconstructed oast house hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To conserve the significance of the curtilage listed building as supported by The National Planning Policy Framework.

- 3) The enhancements recommended within paragraph 4.3 - 4.6 of the Extended Phase I Habitat Survey, dated June 2011, must be incorporated in to the proposed development site.

To enhance biodiversity in the area as supported by the National Planning Policy Framework.

- 4) Until development commences the site shall be maintained so as to discourage reptiles from inhabiting the site. This shall be done by regularly cutting back the vegetation that is found on the site.

To prevent reptiles from being affected by the proposed development as supported by the National Planning Policy Framework.

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- 5) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -
- i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and
  - ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

- 6) Soft landscape works shall be carried out before first occupation of the oast. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 7) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 8) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1980/1, 1980/2, 1980/3, 1105/1 P1, 1105/2 P1, 1105/3 P1, 1105/4 P1, 1105/5 P1, 1105/6 P1, 1113.02 Rev.02, 1113.03 Rev.02, 1113.04 Rev.02, 1113.05 Rev.02 and 1113.02 Rev.00.

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

#### Informatives

- 1) There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible it is



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recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

- 2) Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. It is therefore advised that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing any external lighting.
- 3) 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 the KCC Public Rights of Way Officer before commencing any works that may affect the Public Right of Way. It would also be advisable for the applicant to put up signs warning contractors that the track is used by pedestrians during the construction period.
- 4) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

(Councillor Miss. Thornton left her position in the Chamber, took no part in the debate and did not vote.)

THE MEETING WAS CONCLUDED AT 11.15 PM

CHAIRMAN



**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 5 March 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brown, Clark, Cooke, Mrs. Davison, Dickins, Edwards-Winsler, Gaywood, Orridge, Mrs. Parkin, Piper, Miss. Stack and Walshe

Apologies for absence were received from Cllrs. Brookbank, Mrs. Dawson, McGarvey and Underwood

Cllrs. Ayres, Fleming and Raikes were also present.

117. Declarations of Interest or Predetermination

There were none.

118. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 119, SE/13/03559/HOUSE - 51a Mount Harry Road, Sevenoaks TN13 3jn; and Minute 121, SE/13/03017/HOUSE - 5 Woodside Road, Sundridge, Sevenoaks TN14 6DN.

All Members of the Committee except for Cllr. Piper declared that they had been lobbied in respect of Minute 120, SE/13/03357/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX.

Reserved Planning Applications

The Committee considered the following planning applications:

117. SE/13/03559/HOUSE - 51A Mount Harry Road, Sevenoaks TN13 3JN

The application sought permission for demolition of garage and erection of part single storey, part two storey side extension. A loft conversion, involving raising the roof height of the property, with skylights at the front and dormer windows at the rear and replacement of the existing porch with a larger one. The application had been referred to Committee at the request of Councillor Raikes on the grounds that the extensions would lead to a loss of amenity to neighbouring properties and concerns over the bulk of the proposal.

Members' attention was brought to the late observations sheet which proposed to delete Condition 7.

The Committee was addressed by the following speakers:

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Against the Application:	Geoffrey Ockenden
For the Application:	Sean Edwards
Parish Representative:	Cllr. Raikes
Local Member:	Cllr. Fleming

Members asked questions of clarification from the Speakers and Officers. The health of the current screening of Leylandii was raised as a possible issue. Officers advised that maintenance and height could not be conditioned as the Leylandii were in a neighbour's garden. Officers further advised that the suggested soft landscaping scheme could be bolstered. Officers clarified that the question of overlooking had not been a ground of refusal previously. However the Planning Inspector was likely to have considered overlooking in assessing the appeal, but did not cite this in his decision letter.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant permission subject to conditions, be agreed.

It was acknowledged that the application was an improvement but some Members were still concerned by the impact of, the size and the need for the dormer windows to the rear which gave the impression of an additional floor, were overlooking the neighbouring properties and would impact on street scene. They were also concerned by the detailing of the soft landscaping and maintenance of future screening. The proposed development was considered to be an unneighbourly proposal despite being of reduced scale. There was still the fundamental issue of impact on the street scene as with the previous application. Members debated the possibility of adding more obscured glazing to the rear to mitigate impact and overlooking of neighbours by the rear dormers.

It was moved by the Chairman and duly seconded, that the first line of Condition 8 be amended to read 'and in agreement with the local Members,' and that the dormer windows for the landing be obscured glaze.

The motion including the above amendment was put to the vote and was lost.

It was moved by the Chairman and duly seconded that the application be refused on the same grounds as previously and that as the loft and roof space extension would extend above the existing ridge giving the appearance of another floor this would not comply with policy H6B and would be in contravention of NPPF paragraph 66.

The motion was put to the vote and it was

Resolved: That planning permission be REFUSED for the following reasons

- 1) the proposed extension would appear cramped on this relatively restricted plot. The extended dwelling would form an incongruous feature that would erode the spaciousness of the street scene to the detriment of the character of the area contrary to Sevenoaks District Core Strategy Policy SP1, Sevenoaks District Local Plan Policy EN1, the Sevenoaks Residential Extension Supplementary Planning Document and the National Planning Policy Framework;
- 2) due to the increase in built form and height as a result of the proposal along the boundary between the two properties (the site and No.49 Mount Harry

Road) the proposal is unacceptable as the development would have an overbearing and unneighbourly impact on the private amenity space of the neighbouring property (No.49) and is therefore contrary to Policies EN1 and H6B of the Sevenoaks District Local Plan, the Sevenoaks Residential Extension Supplementary Planning Document and the National Planning Policy Framework; and

- 3) the proposed increase in the height of the roof and insertion of dormers on the rear elevation will result in loss of privacy to Hawthornes and an unneighbourly form of development. As such the proposal is contrary to policies EN1 & H6B of the Sevenoaks Local Plan, SP1 of the Sevenoaks Core Strategy, the Sevenoaks Residential Extension Supplementary Planning Document and the National Planning Policy Framework.

118. SE/13/03557/FUL - Hillway, Pilgrims Way East, Otford, Sevenoaks TN14 5RX

The application sought permission for the demolition of existing house and erection of new replacement dwelling. This application was referred to Development Control Committee by Councillor Edwards-Winsor on the grounds that: In comparison to the previously refused scheme approximately 20-30% of the roof has now disappeared and presumably a similar decrease in habitable floor area would occur as a result; if the floor areas of the existing Hillway, the already approved replacement, the recently refused application and this current application are compared, then it is fairly obvious that the habitable floor areas have been reduced each time, as has the visual impact - which is the main reason that OPC, the Village Society and many other residents welcome the efforts of the developer to reduce the impact and improve the openness of the MGB.

Members' attention was brought to the late observations sheet which did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Vic Drake
Parish Representative:	Martin Whitehead
Local Member:	Submission by Cllr Ms Lowe read by Cllr Miss Thornton

Members asked questions of clarification from the Speakers and Officers. Officers clarified that the over sailing was a built structure which created floorspace and would have an impact. It was a usable space even with a slatted roof and would be built in order to create the terraced area above.

It was moved by the Chairman and duly seconded that the recommendation in the report to refuse permission, be agreed.

Members noted that the application was materially larger than the application already approved. However some Members preferred the visual impact of the application over the already agreed one, despite this fact.

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

It was moved by the Vice Chairman and duly seconded that planning permission be granted in light of the special circumstances and the preferred impact of this design subject to no fenestrations in the subterranean/basement level; the removal of permitted development rights; and final wording of the conditions to be delegated to the case officer in consultation with the local members.

The motion was put to the vote and it was

Resolved: That planning permission be granted, and that the final wording of the conditions be delegated to the Case Officer in consultation with the Local Members to include conditions for removal of permitted development rights for alterations, openings and extensions, and removal of existing dwelling and protection of trees.

(Cllr. Mrs. Davison requested that her vote against this decision be recorded.)

#### 119. SE/13/03017/HOUSE - 5 Woodside Road, Sundridge, Sevenoaks TN14 6DN

The application sought permission for erection of a part single storey side and two storey side/rear and single storey rear extension together with rear loft dormer. It had has been referred by Councillor Piper due to concerns about the size and bulk, overdevelopment, the impact on this pair of dwellings and on parking.

Members' attention was brought to the late observations sheet which did not propose any amendments or changes to the recommendations before the Committee.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Melissa De Vere-Loots
Parish Representative:	Michael Stokes
Local Member:	-

Members asked questions of clarification from the Speakers and Officers.

It was moved by the Chairman and duly seconded that the recommendation in the report to grant permission subject to conditions, be agreed. The Local Member speaking from the floor advised of his concerns with regards to size, bulk and parking issues. The Case Officer advised that the width space for parking beside the house was 2.9 m where the requirement was only 2.7 m.

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.

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

- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the house as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 3) No development shall take place until details of the layout and construction of areas for the parking of cars including garage spaces and means of access have been submitted to and approved in writing by the Council. The parking areas approved shall be provided and kept available for parking in connection with the use hereby permitted at all times.

To ensure a permanent retention of vehicle parking for the property as supported by EN1 of the Sevenoaks District Local Plan.

- 4) No window(s) or other opening(s) shall be inserted at any time in the first floor west and east flank elevation(s) of the 2 storey side extension hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: MP003 and MP003 rev 04 A.

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

THE MEETING WAS CONCLUDED AT 9.37 PM

CHAIRMAN





4.1 – SE/13/03178/FUL Date expired 4 February 2014

PROPOSAL Demolition of 1 building & a silo. Change of use of land for the erection of a new crematorium, memorial garden, fencing, landscaping and car parking, together with new entrance gateway off internal access road.

LOCATION: Land North Of Oak Tree Farm, London Road, Badgers Mount Halstead TN14 7AB

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

This item was deferred at the January Development Control Committee to allow officers to consider the details and implications of the proposed S106 Obligation. The consultation period for that document expires the day of Committee and in order to ensure that any representations submitted on the final day are considered it is recommended that the decision should not be taken and issued until the day after Committee.

**RECOMMENDATION:** That, subject to no new issues being raised during the consultation process that authority be delegated to officers to REFUSE permission for the following reason:

The proposal would have an urbanising effect on the Green Belt. The need for the proposal does not amount to very special circumstances that would clearly outweigh the demonstrable harm to the character and openness of the Green Belt contrary to Policies GB1 and EN1 of the Sevenoaks District Local Plan and paragraphs 79, 80, 81, 89 of the NPPF.

Introduction

- 1 This matter was deferred by the Committee in January to allow officers time to clarify the content and implications of a S106 Obligation that was offered in respect of the proposed scheme. The draft Obligation that has been submitted offers the following:
  - Before or immediately upon the occupation of the development to permanently cease the use of the land for concrete crushing and screening works, and permanently remove the equipment, plant and associated spoil from the land striped black on the attached plan.
  - Not at any time following the occupation of the development to use the land for concrete crushing and screening works or to permit equipment and plant similar to that used for the said concrete crushing and screening works to be used or stored on the land.
  
- 2 This obligation refers to the cessation of development that was granted in 2006 as part of a Lawful Development Certificate for the Recycling, screening and crushing of materials re-used on construction sites, together with the storage and maintenance of machinery used to that use, and the parking of vehicles, and

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machinery unconnected to that use. We are advised that the site is licensed to deal with 75,000 tonnes of waste per annum utilising 20 tonne lorries and the crushing/screening activities form about 90% of the existing business.

- 3 Whilst the obligation offers the cessation of some of the lawful activities it does not offer the cessation of the recycling activities and nor does it seek to permanently keep clear any of the land associated with these activities: the land that is cleared from crushing/screening activities could therefore continue to be used for recycling activities after other activities have ceased and been cleared from the land.
- 4 Also since January the Inspectors decision relating to the proposed crematorium on Land South of Orchard Barn (SE/13/02415/FUL) has been received and this is attached in its entirety at Appendix 1.
- 5 The Decision makes a number of key points:
  - The Inspector concluded that there is scope for improvement of the landscape structure of the area. However any such improvements should be read in the context of the NPPF's approach to development in the Green Belt.
  - There are some developments nearby which detract from the character of the area but the site itself retains characteristics which are strongly rural and relate more to the open countryside to the west and south west of the appeal site.
  - The locality does not uniformly merit characterisation as an urban fringe landscape. There are some detracting elements but these, if anything, serve to emphasise the relative fragility of the green belt in this locality rather than serve as a reference for development which would lead to a further loss of openness and development that would be harmful to the existing countryside character.
  - The development would not harm the adjacent AONB.
  - The information regarding need provides clear evidence of quantitative and qualitative need for the proposed crematorium
  - Whilst there are unlikely to be any suitable and available non green belt sites the fact that there are two applications with the Local Planning Authority for determination demonstrates evidence of potential alternative sites being available for consideration. It is not certain that there are no alternative sites which would have less overall impact on Green Belt openness, which would be a key factor in reaching a conclusion in respect of the very special circumstances.
  - Despite objectors concerns regarding flooding the scheme would provide a sustainable drainage system, there are no flood risk constraints and the Env Agency has not raised objection. Any localised problems can be addressed by means of a condition.
- 6 It is worth noting that the decision on the application for Orchard Barn was made at committee on 6 November 2013. The application for Oak Tree Farm was

validated on 5 November 2013 and the application for Watercroft Wood was validated on 18 November 2013. Therefore at the time the first application for a crematorium at Orchard Barn was determined a full assessment of the alternative proposal at Oak Tree Farm was not available. Indeed the application at Watercroft Wood was not submitted until after the decision on Orchard Barn was issued by the Council.

### Description of Proposal

- 7 The application originally proposed the removal of 3 buildings, a steel storage container and a silo. It has been amended and now proposes the demolition of 1 building formerly in agricultural use and 1 silo; removal of a number of miscellaneous items and the change of use of the site for the erection of a crematorium, memorial garden and associated fencing, landscaping and access/car parking together with a new entrance gateway off an internal access road. It is understood that these changes have been made in response to negotiations with the site owner failing to secure a legal agreement for the removal of all the buildings originally proposed. The buildings now to be removed have a combined floorspace of 127sqm and all three are sited at the rear of the site adjacent to the stable buildings on Oak Tree Farm.
- 8 Fencing is shown along the eastern and southern boundary to a height of 2m – set back from the boundary within the proposed planting. The scheme also features walls around the flower garden and includes a raised water feature on the northern side of the flower garden. Within the wider grounds a bridge is proposed across the water feature and although no details have been submitted of this we are advised that this is simply an extension of the footpath rather than a formal raised bridge.
- 9 The vehicular access to the site would be via an altered existing vehicular access onto London Road, sited to the south of the site and currently forming the access to Oak Tree Farm and Hurstwood Farm. This would turn north and lead into the application site with an access gate set some 23m into the site. The car park would be sited in the north eastern corner of the site and accommodate spaces for 104 cars set within landscaped bays on a reinforced grass surface.
- 10 The crematorium building would lie towards the southern boundary of the site and comprise a single chapel, crematory and ancillary office and restroom facilities. Vehicular access to this part of the site would run close to the southern boundary and be largely screened (upon maturity of proposed planting) from the public access to the crematorium building. A relatively modest shed is proposed to be sited in the yard area to the south of the building for the storage of maintenance equipment.
- 11 The building would be a single storey building with a mix of brick and flint elevations and a mixture of mono pitched and flat roofs. The building itself is fairly compact with a rectangular footprint with the facilities set around spine walls set on a north/south and east/west axis with the visitor elements and ‘business’ elements of the crematorium separated by these walls. These walls extend beyond the building to separate the service areas from the access and flower garden areas. The main chapel would have a sedum roof which would be visible from the surrounding area whilst the porte cochere (flat roofed covered entrance to the building beneath which funeral cortege may drive) would have a flat sedum

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roof. The administration area and part of the crematory would have a mix of mono pitch and flat roof.

- 12 Externally to the north of the chapel would lie a flower garden leading either to the rear of the site and the landscaped memorial gardens or to the front of the site and the car park. The grounds would be set out with a large area of lawn with footpaths leading around a water feature forming part of the sustainable drainage system for the site. The site is shown to be well landscaped with plenty of tree planting around all the boundaries of the site except the western boundary, which is shown to remain largely open maintaining views through to the west.
- 13 An existing Public Right of Way (PROW) runs along part of the northern boundary accessed from London road but lies outside the application site and this boundary would be subject to significant levels of tree planting.
- 14 The facility itself would open Monday -Friday between 9am – 4.30pm and on Saturdays from 9am – 12 noon. Services would operate on a 45 minute cycle.
- 15 As described above the cessation of concrete crushing and screening activities are offered together with the removal of associated piles of spoil, which we are advised can amount to 10,000 tons. However we are not advised specifically how much spoil is on site that would be removed as part of this proposal. Piles of steel are also stocked prior to crushing and this will be removed and not replaced. This will also result in the removal of associated vehicle movements in and out of the site – which we are advised can amount to 15 vehicle movements/day. No areas are identified on the plan however that would be cleared of all spoil from all activities and remain permanently open. Existing recycling works would continue – albeit we are advised that at present these form about 10% of the current activities.

### Description of Site

- 16 The site comprises an area of approximately 2.4 ha of land that lies to the west of the A224 to the south of Badgers Mount and to the south of and on the opposite side of the road to the Polhill Garden Centre. It lies immediately to the south of the site considered by Committee in November for a crematorium and comprises a mixture of areas: a generally level field currently used for some storage (appears unauthorised), demarcated from the A224 by an existing hedge that largely prevents views into the site from that road, separated from adjacent fields by a mixture of post and wire fencing and hedgerow/tree planting; an area immediately in front of the access which has the shell of a brick two storey building on site and some storage of road planings in front; and finally an area towards the rear of the site along part of the southern boundary where a steel storage container and two pre-fabricated buildings are sited immediately to the rear of the adjacent stable building.
- 17 Oak Tree Farm lies immediately to the south of the site. The stables referred to above are in residential use. Within the Oak Tree Farm complex lies a mix of residential uses, commercial uses involving concrete screening/crushing, recycling and skip hire facilities. On the opposite side of the A224 are fields with the entrance to Polhill Garden Centre approximately 400m to the north east. The village of Halstead lies approximately 1km to the west while Sevenoaks itself lies approximately 7km to the south of the site.

- 18 The nearest made pedestrian footpath alongside the road lies on the opposite side of the A224 whilst an unmade public right of way runs along the northern boundary of the site. A public right of way runs along part of the northern boundary on the opposite side of the boundary hedge/fence.
- 19 The general feel of this part of the area is one of flat open fields with views beyond the highways largely obscured by boundary hedgerows, interspersed with sporadic development.

### Constraints:

- 20 Green Belt, PROW along northern boundary, AONB on opposite side of London Road, that part of the site adjacent to the public highway is identified by the Environment Agency as having a low chance of surface water flooding.

### Policies

#### *Sevenoaks District Local Plan*

- 21 Policies – EN1 NR10 GB1 VP1 T9 EN17B EN31

#### *Sevenoaks Core Strategy:*

- 22 Policies - L01 L08 SP1 SP2 SP9 SP10 SP11,

#### *Other*

- 23 NPPF
- 24 SPD: Countryside Assessment

### Relevant Planning History

- 25 SE/06/00793/LDCEX Recycling, screening and crushing of materials re-used on construction sites, together with the storage and maintenance of machinery used to that use, and the parking of vehicles, and machinery unconnected to that use. Certificate Issued
- SE/13/03605/LDCEX Use of buildings as workshop and yard; use of land and silo for keeping of horses and storage of feed and hay. Use of land for storage of road planings. Undetermined.
- SE/13/03592/LDCPR Alterations and repairs to an existing building. Planning permission required
- SE/13/03593/PAC Prior approval for proposed change of use from agricultural use to a B1 office use. Refused

### Consultations

- 26 The following comments are those made in respect of the original application. The consultation period for the revised scheme expires on the day of the Committee. At the time of writing this report no comments had been received regarding the amendments and the S106 Obligation and any comments received after writing this report will be reported on the Late Observations sheet.

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### *SDC: Environmental Health:*

- 27 I am happy with the dust and noise assessment, however I expected to see an air quality assessment, therefore as there is the potential to influence local air quality this should be assessed, but can be done by condition. I also feel a contaminated land assessment should be undertaken as I understand that infilling may have taken place near to this locality and this may have resulted in ground gases that may pose a risk to this proposed development. Again this can be required by condition and any issue identified would be relatively easy to overcome.

### *SDC Tree Officer:*

- 28 The site is an open field, I do not therefore consider there to be any obvious reason to object on landscape grounds. The important existing landscape features for this site are clearly the boundary hedging and the mature standard trees within or adjacent to them. This is especially so for the mature hedging located along the frontage with the A 224. This hedging not only fronts this property but others along the road. This continuation of hedge provides an acceptable backdrop to users of the highway. The current proposal shows an existing opening for the proposed site to the far south east. There will be implications should this proposed entrance be altered at a later stage. I would like the opportunity to provide further comment should this proposal arise. A detailed landscaping scheme should be conditioned and attached to any consent provided.

### *SDC Policy:*

- 29 Paragraph 89 of the NPPF requires the local planning authority to consider the construction of new buildings within the Green Belt as inappropriate development, subject to certain exceptions. As the provision of a crematorium is not identified as one of these exceptions, the proposal is considered to be inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 30 It is for the applicant to demonstrate very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The provision of evidence submitted in relation to need will have to be weighed in this light against the harm if inappropriate development in the Green Belt.
- 31 Policy L08 of the Core Strategy is concerned with the conservation of the countryside and the protection and enhancement of the distinctive features that contribute to the special character of its landscape and biodiversity. The Policy also recognises the need for the conservation and enhancement of the distinctive character of the Kent Downs AONB and its setting. The Development Management team would need to be satisfied that the proposed development does not negatively impact on the countryside or its distinctive features, or negatively affect the character of the settings of the Kent Downs AONB, located close to the site.
- 32 The location of the proposed development suggests that it is a potential location for important habitats. The Development Management team would need to be

satisfied that the development does not impinge upon the conservation of, or opportunities to enhance, biodiversity as per Policy SP11 of the Core Strategy.

### *KCC Highways:*

- 33 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters
- 34 These proposals have been subject to both initial scoping in respect of the content of the supporting application as agreed with KCC Highways and Transportation and, following a previous submission, to significant amendment in respect of the access arrangement as agreed with KCC Highways and Transportation to overcome a number of layout, survey and potential vehicular and pedestrian conflict issues.
- 35 The application has been assessed in respect of both on site parking and access provision for the use in question and in respect of highway safety with regard to the access proposals and associated traffic generation.
- 36 Firstly, in respect of on site provision, the applicant has adequately demonstrated through the supporting Transport Statement that on-site parking provision is available for the projected level of potential usage. The internal access arrangement has been amended to overcome both the pedestrian and vehicular conflicts previously identified in respect of pedestrian movements to and from the site and in respect of vehicular access to the existing uses at Oak Tree Farm. I would however continue to recommend that a condition be secured requiring the applicant to submit a management plan (to be approved by both the LPA and KCC) in respect of parking and access management for services including specific details of provisions to be made in respect of non-standard services (i.e. where the expected levels of attendance and/or duration is significantly above or beyond the projected average service identified within the supporting Transport Statement).
- 37 In respect of highway safety, following previous concerns being addressed in respect of both the survey and section drawings and the access arrangement in respect of potential conflict with the existing site usage, I am now satisfied that the proposed arrangement has adequate visibility when assessed against both the DMRB (Design Manual for Roads and Bridges) and MFS (Manual for Streets) guidance. Furthermore, the proposed arrangement also addresses design shortfalls with regard to the existing access to Oak Tree Farm and should, subject to the securing of the aforementioned management plan, also provide an improved access arrangement in respect of the site as a whole. The revised Stage 1 Safety Audit in respect of the revised access arrangement and off-site highway works identified no issues of concern. It should also be noted that any highway works secured through potential subsequent permission would still be subject to a full Stage 1 and 2 Safety Audit prior to any approval being given by the Highway Authority for works to commence. Therefore, the absence of a Safety Audit at this stage would not constitute reason for raising formal objection to the proposals provided that a condition is secured requiring the highway works to be approved by KCC and completed by the developer prior to the proposed uses coming into operation.
- 38 In respect of traffic generation related to the proposed use, as with the previous crematorium proposal at the adjacent site, an assessment of projected flows has

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not identified any adverse local or network capacity impacts. Furthermore, the additional projected daily movements from a use such as this constitute a potential increase of less than potential daily background fluctuation (i.e. less than 5% in either direction).

- 39 In respect of traffic generation from the site as a whole the applicant has now provided surveyed flows relating to the existing site operation which has enabled a more accurate projection of combined flow to be identified. This in turn reinforces the requirement for a right turn lane (rtl) facility which the applicant is seeking to provide. It should be noted of course that the legal obligation now offered would reduce the background traffic flows using the existing Oak Tree Farm access. Furthermore, the design of this facility has been upgraded in comparison to the previous submission with the inclusion of an additional splitter island beyond the rtl and a significant increase in length of the rtl to give more stacking capacity and to enable the pedestrian crossing island to the north of the rtl to be better positioned visually in respect of the carriageway summit to the north.
- 40 In conclusion, following the previously raised issues of concern in respect of the previous submission now having been addressed, there are no KCC Highways and Transportation objections subject to the following:
- The securing of an appropriate parking and access management plan prior to the site coming into use.
  - The securing of the off-site highway works through appropriate Agreement with KCC prior to the site coming into use.
  - The securing *on-site of appropriate* wheel washing facilities through the duration of construction works.
- 41 In addition, the point relating to the current absence of a Stage 1 Safety Audit should be noted.

### *West Kent Public Rights of Way:*

- 42 Public Rights of Way Footpath SR41 runs to the northern side of the northern boundary. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 43 I would point to Appendix 2: Department of Environment Guidance LG1/232/36 which states:

#### THE BUILDING

17. The Cremation Act 1902 (Section 5) provides that no crematorium shall be constructed nearer to any dwelling house than 200 yards (182.880m), except with the consent in writing of the owner, lessee and occupier of such house, nor within 50 yards (45.720m) of any public highway, nor in the consecrated part of a burial ground.

18. By Section 2 of the Act "crematorium" means "any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto". The Department is advised that the crematorium buildings, chapels and parts of the grounds used for the disposal of



ashes come within this definition, but not ornamental gardens, carriageways or houses for staff.

- 44 It is not clear to me from the plans provided where it is intended for ashes to be scattered/ interred and if this area falls within the 50 yard rule. Please could this be clarified?
- 45 I would also like to 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 views from the path.
- 46 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. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) 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. Contractors should be advised that walkers use the track and it should be signed to that effect

### *Natural England:*

- 47 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Having reviewed the application Natural England does not wish to comment on this development proposal.

### *Kent Downs AONB*

- 48 The development however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB Partnership / AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

### *Protected Species*

- 49 We have not assessed this application and associated documents for impacts on protected species.
- 50 Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.
- 51 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any

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individual response received from Natural England following consultation. Page 2 of 2

- 52 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

### *KCC Ecology:*

- 53 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 54 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision." Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 55 We have reviewed the ecological information that has been submitted with the planning application in conjunction with the desk top information available to us (including aerial photos and biological records). We are generally satisfied with the information but we do require clarification on the impact from the proposed development on reptiles and GCN to be provided prior to determination of the planning application.

### *Reptiles*

- 56 The ecological surveys have identified that there are several small and localised areas of potential reptile habitat and recommended that a precautionary mitigation approach should be used to clear these area.
- 57 While in theory we do not object to this proposal we do require additional information to be provided to confirm that it is an acceptable method to be used on this occasion. Information is required to confirm that there is suitable reptile habitat within the surrounding area which can support any reptiles which are moved in to it.
- 58 In addition it would be helpful if a map is included showing the following:

- Where the suitable reptile habitat is located,
- What habitat will be impacted as a result of the proposed development

### *Great Crested Newts*

- 59 The ecological survey details that there are no ponds within 1200m of the site. However from looking at the OS maps it appears that there are at least two ponds within 500m of the site.
- 60 As GCN can move up to 500m from water bodies there is potential that GCN could be present within the site. As such we require additional information to be provided assessing the impact the proposed development will have on GCN. Please be aware depending on the information provided there may be a requirement for GCN surveys to be carried out prior to determination of the planning information.

### *Bats*

- 61 Tree T3 (as described within the ecological survey) has been identified as containing suitable features for roosting bats. However we are satisfied that as this tree will not be impacted by the proposed development no emergence surveys are required. Lighting can be detrimental to roosting, foraging and commuting bats. We recommend that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements) proposed for the development. The proposed lighting must be designed to avoid impacting the tree which has been identified as being suitable for roosting bats.

### *Breeding Birds*

- 62 There is suitable habitat on site for breeding birds and all nesting birds and there young are legally protected. If planning permission is granted, we recommend that buildings and vegetation suitable for nesting birds are removed outside of the breeding bird season (March - August inclusive). If that is not possible an experienced ecologist must examine the site prior to works starting and if any nesting birds are recorded all work must cease in that area until all the young have fledged.

### *Enhancements*

- 63 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". It is welcomed that the proposed landscaping will increase the suitable habitat for biodiversity. We recommend if planning permission is granted a management plan for the site is produced and submitted for comments as a condition of planning permission.

### *Kent Wildlife Trust:*

- 64 No views received

### *Kent Downs AONB Unit:*

- 65 No Views received

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### *Environment Agency:*

- 66 Thank you for consulting us on the above. We consider that planning permission could be granted for the proposed development as submitted if the following planning conditions are included as set out below.

#### *Flood Risk*

- 67 **Condition:** Development shall not commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

- 68 **Further information:** The Local Authority needs to be satisfied that the surface water drainage is based on a detailed ground investigation which includes in-situ permeability testing. This would need to be in the form of shallow boreholes and trial pits to the base of the proposed pond; “a Falling Head test”. Owing to the nature of the ground, the base of the pond must be permeable and these ground tests must prove that it is.

**Condition:** No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
  - a. all previous uses
  - b. potential contaminants associated with those uses
  - c. a conceptual model of the site indicating sources, pathways and receptors
  - d. potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

*Reasons:* To protect groundwater and comply with the National Planning Policy Framework (NPPF).

- 69 National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution .

*Condition:* If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

*Reasons:* To protect groundwater and comply with the NPPF.

### *Drainage*

- 70 *Condition:* No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

*Reasons:* To protect groundwater and comply with the NPPF.

### *Foul drainage*

- 71 The planning application indicates that a package treatment plant will be used.

If you wish to discharge treated sewage effluent into a surface water or to ground you may require an Environmental Permit from us. You should apply online at

<http://www.environment-agency.gov.uk/business/topics/permitting> or contact us for an Environmental Permit application form and further details on 08708 506506.

The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable.

A permit is not required if the rate of sewage effluent discharge is less than 2 cubic metres a day or less to ground or 5 cubic metres a day or less to watercourse. You must, however, be able to satisfy a number of specific criteria and you may need to register the discharge as exempt, please see our website for further information.

- 72 A Standard Rules Permit is available for discharges of secondary treated sewage (to surface water only) of between 5 cubic metres a day and 20 cubic metres a

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day. Discharges of treated sewage greater than 2 cubic metres a day to ground and greater than 20 cubic metres a day to a surface water require a Bespoke Permit.

Informative

### *Fuel, Oil and Chemical Storage*

- 73 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval.
- 74 The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
- 75 The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

### *Thames Water:*

#### *Waste Comments*

- 76 Thames Water would advise that with regard to sewerage infrastructure we would *not have any objection to the above planning application.*

#### *Water Comments*

- 77 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### *WATER COMMENT*

- 78 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

*Royal Borough of Greenwich*

*(Royal Borough of Greenwich advised in respect of the application for a Crematorium on the adjacent site but also relevant to this application):*

- 79 At Eltham Crematorium there are 20 available slots per working day. (09.00 – 15.30)
- 80 During the busiest months we average 16 bookings per day. The earlier slots are generally the last to be booked. Over the period 5 months October 2012 – February 2013, there were 2058 possible slots available and 1737 (83%) were taken.
- There are currently **no** plans to expand at Eltham Crematorium.
  - As we do not work at full capacity and there are early times available, we do not currently envisage extending our service times.

*London Borough of Bexley:*

- 81 No objection and this Council has no plans for a similar facility.

*London Borough of Bromley:*

- 82 Views awaited.

*London Borough of Croydon*

- 83 Views awaited.

*Medway Council:*

- 84 Raise no objection. In respect of the previous application at Land South of Orchard Barn they advised that:
- 85 Regarding the current capacity issues they are in the middle of a major improvement programme involving the closure of one of the chapels. Therefore they have supplied figures drawn from a 5 year average which demonstrates that they have not operated at capacity for the last 5 years. It would appear from the figures supplied that even during the winter they have 40% spare capacity – although it is not clear at what times these slots are available.

*Tonbridge & Malling BC:*

- 86 No objection

*Tunbridge Wells BC:*

*(No objection although in respect of the earlier application for Land South of Orchard Barn they provided the following information):*

- 87 As I am sure you'll be aware the key issues for the proposed siting of crematoria will be those of:
- Its likely proximity to existing private residences, location within the existing community, and community need,

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- Crematorium Capacity, and
- Geography of surrounding transport infrastructure.

88 The issue of proximity to residences is obviously provided in legislation, and whilst the demographic and socio-economic status of the local population is no doubt significant to their own business rationale, it will inform your own considerations of the level of community need as well as the environmental impacts from its operation and patronage.

89 Additionally the following points are made:

- Express concern about the Funeral Director survey results of delays at the Kent & Sussex Crematorium. We average 61% utilisation of chapel capacity and 63% cremation capacity.
- Each winter we experience approximately a 30% upturn in demand. However this cannot be construed as operating near capacity
- Waiting times for service slots is a subjective assessment due to:
- Preference for a 10am – 3pm slot
- Availability of church and clergy if a church services is required
- Availability of the funeral directors
- A second chapel is proposed within 4 – 5 years to provide double the existing capacity.

*Tandridge DC:*

90 No objection.

*Maidstone BC:*

91 No objection.

*Crawley BC:*

92 No objection.

*Shoreham PC*

93 Shoreham Parish Council objects to the proposed development for the following reasons:

- The openness of the Green Belt will be impeded by this development.
- The necessity for acoustic fencing at a height of 3m for a section of the southern boundary will block views and noise from the nearby concrete crushing facility will itself add to the loss of openness. There is an additional loss at the front of the property with the addition of the 2m high fence at the road frontage.



- The proposed heavy planting of trees, designed to screen the site, will also result in a loss of Green Belt openness.
- It is considered that it is an inappropriate location for a crematorium next to a heavy industrial area.
- The proposed development would result in an increase in traffic on an already busy road.
- Public transport to the site is poor.

*Halstead Parish Council:*

94 Strongly opposes this application on the following grounds:

1. The proposed development is within the Green Belt where strict policies of restraint exist.
2. The proposal would be inappropriate development and harmful to the maintenance of the character of the Green Belt. Policies EN1 and GB1 relate.
3. Policy L08 of the Core Strategy states: *'that the extent of the Green Belt should be maintained. The countryside should be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible'*.
4. This area of the Green Belt has already been identified as the last bastion between Sevenoaks and the sprawl of the London Boroughs.
5. Council has concerns about the increase in traffic on the busy A224 particularly with the road being frequently used as a relief road for the M25 when this is grid-locked by accidents. The suggested catchment area extends far outside that of the Sevenoaks District and could increase the traffic numbers considerably on derestricted village lanes.
6. Any extra traffic will increase the pollution levels in an area already causing concern due to the close proximity of the M25 and A21.
7. Council notes that the applicant states that the chimney will be less prominent and hidden by the roof line, but still believes there could be harmful emissions released into the atmosphere.
8. Council believes that the concrete crushing business is an inappropriate neighbour for this kind of development. There will be frequent movement of lorries bringing in materials for treatment and lorries exiting the works removing the treated materials. The funeral vehicles will be passing in close proximity to the business area and there will be pollution both from dust and the noise levels created by these activities.
9. It is noted that four buildings and one silo are due to be demolished to facilitate the erection of this crematorium but Council would like to know if these were covered by Lawful Development Certificates.

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10. Public transport serves the area on a very infrequent basis. The only bus being the 402 which stops some walking distance away. The only other bus which passes this land is a school bus travelling once in each direction.

11. There is no footway on large sections of the A224 and no plans to install a pedestrian crossing. The speed limit from Polhill past the end of Otford Lane and along the A224 goes from 50mph – 60mph.

12. It would seem that it is unusual for a crematorium to be located in a village: most crematoria appear to be situated in close proximity to or within large towns.

13. The Parish Council does not believe that there is a Need for this crematorium. The Kent & Sussex Crematorium at Tunbridge Wells is able to accommodate more funerals and is building a second chapel in the near future to extend its services further. Falconwood Crematorium in Eltham is still not working at full capacity and there is a new crematorium at Hither Green which is well below capacity.

Further comments:

95 1. Council would like to know if all the properties within 200 yards of the proposed crematorium have been consulted and given their consent in writing to the development, this being a requirement of the 1902 Abatement Law.

2. Council was surprised that many of the statistics included with the original application were incorrect and the errors had to be rectified in subsequent documents.

### Representations

96 The following representations are those made in respect of the original application. The consultation period for the revised scheme expires on the day of the Committee. At the time of writing this report no representations had been received regarding the amendments and the S106 Obligation and any comments received after writing this report will be reported on the Late Observations sheet.

97 4 letters of objection received to the amended plans and 16 letters of objection from members of the public were received to the initial consultation, including the Badgers Mount Residents Association and CPRE raising the following issues:

- Harm to the openness of the green belt – this represents inappropriate development
- Harm to character of the village by virtue of further development on the surrounding green belt
- Dangerous precedent for green belt development
- Harm to openness of green belt
- This scheme has more in common with urban fringe development than the open countryside. Although present uses of the site do not enhance the area they do allow it to overall retain a sense of openness. By contrast what is proposed would use the full space and give it a sense of enclosure without logical connection to the land beyond: fencing hardly allows for openness. This is contrary to policy LO8 and SP1.

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- It would be detrimental to the setting of the AONB contrary to policy L08. The building style may be good for its use but is alien to local styles and lacks any sense of the vernacular. The document Design Principles of the Kent Downs Landscape says to avoid the introduction of features such as close boarded fencing, suburban style walls and fast growing conifers, particularly on the boundaries with rural lanes or with the wider landscape.
- The proposed fencing would be harmful to the green belt openness
- Will add to traffic on the busy A224 which will increase further when Fort Halstead is developed
- Policy T9 seeks to prevent the intensification of use of accesses onto primary routes and this will create a potentially dangerous shared access.
- Hazardous crossing for pedestrians from the nearest public footpath on the opposite side of the road.
- Public transport access is poor – the nearest bus stop about 1000yds, station 1.75 miles away and no footpath on this side of the road.
- Traffic hazards resulting from the slow speed of funeral traffic
- The proposal to share the access with HGVs using Oak Tree Farm would not create the appropriate environment for mourners expecting a quiet site.
- Noise and dust from Oak Tree Farm recycling operation would be counter productive to a quiet environment for the crematorium
- Additional pollution regardless of the proposed filtration system.
- There will be more than 4 or 5 services per day leading to increased traffic pollution etc.
- Some of the structures and goods suggested for removal are moveable and their removal should not be used to offset the floorspace proposed.
- There is a need for a crematorium and the Council should support the site to the north of this one.
- It lies within an AONB and would cause harm to the character of the AONB
- The loss of hedgerow would be harmful to the area
- Loss of good agricultural land for what is essentially an industrial process
- Existing goods stored on this site should be removed and not used to 'promote' this application.
- Harm to local house prices
- Contamination on this site
- Neighbouring crematoria have sufficient capacity: there is no need for a crematorium in this district
- This would make provision for those from outside the district needing a crematorium
- The site has a history of flooding
- Potential precedent for associated development

98 7 letters of support in response to the initial consultation, including 6 from residents on and close to the Oak Tree Farm site raising the following issues:

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- There is a great need for such a facility in the district
- There are few houses nearby
- The site has good road links with the opportunity for improved access arrangements to Oak Tree Farm
- There are a choice of nearby venues for holding a wake
- This is a sustainable proposal in terms of time, pollution and fuel usage
- This would tidy up an area that is currently unsightly

### 99 Letters of support from 1 local clergy/church raising following issues:

- Many local churches have run out of burial space so cremation is a more common choice and a local crematorium would make a great difference to local families and clergy.
- The biggest problems experienced are by those having a church funeral followed by a committal because of the long distance to the nearest crematoria.
- This would reduce waiting times for a service because of the level of demand at surrounding crematoria.
- At a meeting of Sevenoaks Deanery Synod the proposal was met with universal approval.
- With less pressure on other crematoria this would allow longer services to take place.

### 100 14 letters from local funeral directors: 2 objections and 12 giving support (inc 8 from the Co-operative Funeralcare branches around Kent and Surrey) raising following issues:

- There are 3 crematorium within 10 miles of Halstead
- A permission exists for a burial ground in Badgers Mount
- Loss of green belt land
- This appears a less favourable scheme than the site South of Orchard Barn and the adjacent car repairs and recycling use is hardly conducive to quiet reflection and the peace that is expected for mourners.
- Unacceptable waiting times for services at existing surrounding crematoria
- Currently there are particular problems for those choosing a church service and family only committal, due to the distance of the nearest crematoria
- There has long been a need for a new crematorium in this district. Presently we allow between 45 – 60 minutes travelling time to the closest facilities due to distance and congestion on the road.
- The nearest crematoria used by our clients are Beckenham, Tunbridge Wells, and Eltham. Medway, Vintners Park, Lewisham and others are also used from time to time but these are further distant.
- A new crematorium will boost competition in our area hopefully leading to better levels of service and increased capacity so our clients have shorter waiting times

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- The proposed site has all the necessary road links and the rural area makes for a peaceful setting: this site would be acceptable for such a use despite the negative publicity regarding the adjacent uses
- The shared access is not ideal but would present a better outcome than no crematorium at all.
- The removal of various derelict buildings will improve the surrounding green Belt
- The mitigation measures to screen the operations at Oak Tree Farm would be successful and would allow successful use of the site in the same way as other crematoria bordering schools, main roads, etc.
- This service is far more important to the whole community than some very local opposition, as was manifest when the application on the adjoining site was turned down last month
- This location would allow us to by pass Sevenoaks town centre which will add to the convenience

101 A letter from another crematorium provider (Memoria -applicant on the Land to the south of Orchard Barn) objecting on the following grounds:

- Lack of clarity about which of the buildings shown for removal are actually lawful which could mislead the decision making process
- Fundamental problems in terms of the activities at Oak Tree Farm and how they interact with the site
- The use of the existing access because it is shared with commercial traffic would be inappropriate
- Members need to be consistent in their decisions and based upon the refusal of the previous application on a neighbouring site need to consider the very special circumstances offered in this case carefully. On the basis of the previous application that should demonstrate a refusal of permission unless the Council can advance good reasons why a different approach should be adopted.
- Harm to the landscape of the area by virtue of this scheme.
- The entrance was flooded for 3 days over the Xmas period and it should be noted that the adjacent site does not suffer in this way.
- Express concerns at the Environment Agency comments and suggest conditions would not address this issue – i.e. merely seeking to prevent water run off from the site.

102 Letter of objection from Dignity who operate Beckenham and Surrey/Sussex Crematoria raising the following issues:

- Insufficient demonstration of need – 3 crematoria within 10 miles – Beckenham Lewisham and Eltham
- Insufficient information to demonstrate quantitative need: there has been a decline in cremations in the past 12 years
- Sufficient capacity in both Beckenham and Surrey/Sussex Crematoria. Beckenham operated at about 65% capacity in 2012 Surrey/Sussex operated at 74% capacity in 2012

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- If there was a need Dignity would shorten their services so that more could take place within the existing crematoria
- They have recently introduced a larger cremator at Beckenham to deal with this aspect of increased demand.

### **Chief Planning Officer Appraisal**

#### Principal Issues

103 The main issues relate to:

- the principle of this development within the green belt,
- consideration of any very special circumstances,
- impact upon character of surrounding countryside and adjacent AONB,
- noise
- air quality
- Highways
- Ecology
- Public right of way
- Neighbour amenity
- Sustainability
- Flooding

#### *Principle of Development in Green Belt:*

104 The Government attaches great importance to the Green Belt, the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristic, therefore, being its openness and permanence. When considering any planning application local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

105 At paragraph 89 the NPPF advises that:

*A local planning authority should regard the construction of new buildings as inappropriate in the green belt. Six exceptions to this are identified and none of those are applicable to this use/site.*

106 The NPPF is clear that a cemetery constitutes appropriate development within the green belt: Whilst a crematorium may include structures common to a cemetery, such as a chapel and structures associated with floral tributes, the main purpose of a cemetery is an open use of the land. This distinguishes it from a crematorium where the built form is essential. Therefore a crematorium must be considered inappropriate development within the green belt. Paragraph 88 of the NPPF is clear that *substantial weight should be given to any harm to the green belt and that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.*

- 107 Harm to the Green Belt in this case would be caused both by virtue of the inappropriateness of the development proposed and by virtue of the harm caused to the openness of the green belt at this point and would conflict with the purposes of safeguarding green belt land. The crematorium building would clearly harm the openness of the green belt and cause the encroachment into the countryside that the policies are designed to prevent. The ancillary access and parking area would not harm the openness of the surroundings but would clearly result in encroachment into the countryside of built form. Additionally an increase in activity across the site would result compared to its current use, which will have some impact upon the character of the green belt at this point.
- 108 Within the green belt, use of a brownfield or previously developed site would be preferable to use of an undeveloped site in terms of the impact upon the openness of the green belt: either in terms of a change of use of existing buildings or through the demolition of existing buildings/structures that could 'offset' the harm to the openness of the green belt caused by a new crematorium building. As part of this application buildings and structures are proposed for removal and this matter is considered below as part of the very special circumstance issue

### *Very Special Circumstances:*

- 109 There have been a few decisions, both determined by Local Planning Authorities and by the Planning Inspectorate relating to the provision of crematoria in the green belt. It is clear that very special circumstances can exist that outweigh harm, such that permission has been granted for new crematoria in the green belt. The most recent of these decisions relates to the land to the north of this site proposed for use for a crematorium and this is considered in more detail below.
- 110 The applicant refers to the following list of matters that comprise their very special circumstances:
- Impact upon openness of the green belt / Demolition of existing lawful buildings and structures that would 'offset' the new Floorspace proposed
  - Quantitative need assessment
  - Qualitative need assessment
  - Existing crematoria provision
  - Capacity issues within the existing crematoria network
  - Availability of alternative sites
  - Landscape and visual impact
  - Balancing material considerations
- 111 An assessment of whether these circumstances clearly outweigh the harm in principle and any other harm will be carried out later in this report.

### *Character/Appearance and Landscape*

- 112 *Policy SP1 of the Core Strategy* is clear that new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Outside settlements priority will be given to the protection of the countryside (*Policy L08*) and any distinctive features that contribute to the special

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character of the landscape and its biodiversity will be protected and enhanced where possible.

- 113 The supporting text to SP1 identifies that new development must be accommodated without damaging features that contribute to the quality of the urban and rural environment. Therefore it is important that the development is designed to respect or improve the character and distinctiveness of the area in which it is located.
- 114 Policy LO8 advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. *Particular regard will be given to the condition and sensitivity of the landscape character and securing recommended landscape actions in the SPD to ensure that all development conserves and enhances the local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided.*
- 115 The Countryside Assessment identifies this site as lying on the edge of the Knockholt & Halstead Downs Character Area. The key characteristics are of mainly an agricultural use with plenty of horsiculture and many small woodlands, with larger arable fields found on the flatter ground. Mature beech trees and roadside hedgerows are a feature of the area. Sites for urban recreation and the intrusion of new buildings in the views of the area are some of the many visual detractors in this landscape. Visually the landscape is described as poor with a low sensitivity to change: sensitivity is a measure of the ability of a landscape to accept change, (both beneficial change and change that may be brought about by a new land use) without causing irreparable damage to the fabric and distinctiveness of that landscape.
- 116 The overall character of the area is rural, interspersed with developed land. The A224 in the vicinity of the site provides access to the Toby Carvery & pub to the north, the Polhill Garden Centre, Orchard Barn, the Calcutta Club and diner to the south east and the commercial activities at Oak Tree Farm of concrete crushing/screening activities, skip lorries etc. The existing landscape around the site is largely flat and open and despite these sites retains a generally rural feel with its open fields and boundary hedging/tree planting. The A224 itself is lined with a mature hedge that largely screens the undeveloped fields beyond from direct view.
- 117 The design of the crematorium is contemporary with its mixture of flat and mono pitched roofs finished largely with a sedum roof. The design was amended prior to the previous committee and whilst reduced in floorspace a little, retains its compact layout. The scheme retains the two spine walls giving a strong north/south and east/west division separating out the public and 'business' elements of the site. The elevations have been amended to incorporate two mono pitch roofs so that at least part of the sedum roof will be visible from the ground rather than being visible only when viewed from the air. Whilst the design does not seek to emulate other buildings nearby it nevertheless utilises traditional materials found in the area. Buildings in the vicinity display a range of styles and ages ranging from the large glasshouses and single storey commercial buildings forming part of Polhill Garden Centre, the more traditional barn styling of Orchard Barn to the relatively simple domestic style of Oak Tree Farm. However such a range of styles, albeit mostly traditional in design, would help to assimilate this scheme into the surrounding landscape. It does not lie so close to any



surrounding buildings such that a more traditional approach is necessary. In general a significant amount of planting is proposed around the boundaries and within the site and certainly it would be expected that the site would appear more wooded when the scheme has reached maturity. Upon maturity this would be an attractive well planted site.

- 118 In terms of development surrounding the application site, apart from Oak Tree Farm to the south there would be little to obstruct views from the surrounding countryside of the proposed new crematorium apart from boundary hedgerows/trees. Certainly in terms of views from the public domain a PROW runs along the northern boundary of the site (albeit on the other side of the boundary hedgerow) and would thus lay a lot of the site open to views by walkers using that footpath. Significant proposed tree planting and landscaping would in time hinder those views but nevertheless views from adjacent fields would also be possible through proposed landscaping.
- 119 The site does not lie within an Area of Outstanding Natural Beauty but the land on the opposite side of the A224 does. Clearly new development within the AONB would have an impact upon the surrounding AONB. In this case however, given the location of the site outside the AONB, the scale and design and the general planting changes proposed, particularly in terms of additional planting to soften the scheme, it is not considered that the scheme would adversely affect the nearby AONB: although of course the site would nevertheless have a very different 'maintained' character that it currently does not. The Inspector concluded in the recent Orchard Barn appeal that that scheme would not detract from the adjacent AONB.
- 120 The scheme would clearly result in a change to the landscape and the flat open character that this stretch of the A224 currently enjoys. The Inspector commented in the Orchard Barn Appeal that there is scope for improvement of the landscape structure of the area but *that any such actions would need to be read in the context of the approach to development in the Green Belt*. He concluded that the introduction of new building, *would lead to a further loss of openness together with a new access and significant areas of parking that would be harmful to the existing countryside character*. Whilst this scheme does not require a new vehicular access onto the adjacent highway there would nevertheless be a new access within the site and significant associated parking and built form. Taking account of the Orchard Barn Inspector's conclusions it is considered that such development on this site would harm the existing countryside character of this area.
- 121 A significant planting scheme is proposed that would in time screen the proposed development. The landscape character assessment indicates that small woodlands do form a part of the landscape character and this site could appear as a well planted lightly wooded site. However even allowing for this, as with the development to the north, it is not considered that this could be wholly successful in preserving the rural character of the surrounding area. This comment is made in the light of the expectation that the items being stored on this site at present would be removed and that the field would return to an open and undeveloped site.

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### Noise

- 122 The NPPF advises at paragraph 123 that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 123 Policy NR10 advises that proposals for all forms of development should minimise pollution of the environment through careful design and layout of any buildings or land uses. This policy is clear that:
- Potentially polluting activities must be in a suitable location being sensitive to other land uses
  - Mitigate any possible land use including the effects on the natural environment, amenity or health
  - Control any noxious emissions or noise, dust, vibration, light or heat
  - Restore the land to an acceptable use after the use ceases
  - Protect natural resources including sites of nature conservation importance, wildlife habitats and to improve the physical environment
- 124 The issue of noise concerns the increase in noise generated by activities on and around the site and the noise from other surrounding uses and their impact upon the site.
- 125 In terms of the former issue the only residents who would at present be affected by this scheme are those residents at Oak Tree Farm, which lies adjacent to the site. However those dwellings lie in close proximity to the waste screening and other commercial activities within Oak Tree Farm and it is not considered that the additional traffic noise and general increase in activity generated by the crematorium use will significantly affect their amenities. Other dwellings are so far from the site as to remain unaffected, in officer's view, by the proposed activities.
- 126 In terms of the wider area it is not considered that the use of this site 5 ½ days per week would generate such large amounts of activity on site and traffic as to constitute a nuisance to surrounding businesses/residents or road users.
- 127 Noise sources audible within the site are the road traffic to the east of the site and activities at Oak Tree Farm to the south. Responding to the expressions of concern regarding the conflict of noise emanating from Crushing and screening activities at Oak Tree Farm and the peaceful environment expected at a crematorium, a draft legal obligation has been submitted for consideration offering the cessation of all crushing and screening activities at the site and the removal of all related machinery together with some of the spoil..
- 128 Comments made prior to this amendment by funeral directors in response to the publicity exercise associated with this application considered the surrounding environment to be both acceptable and also to be unacceptable as a result of these activities. Whilst the crushing/screening activities would cease the recycling activities would be retained and we are advised that these at present account for approximately 10% of the vehicular activity associated with this site. Whilst the noise and activity associated with the crushing/screening activities would significantly improve the environment of the surrounding area and the use

of the application site in particular, should permission be granted for such a scheme on this site it clearly would not be implemented if commercially unviable as a result of the environment. Officers consider that this is a commercial decision to be taken by any prospective developer rather than the Council.

- 129 In terms of noise audible at other crematoria it is interesting to note that aircraft noise is identified by the funeral directors as a feature of the Surrey & Sussex Crematorium and motorway noise is audible within the Medway Crematorium. This matter does not appear to prevent the successful operation of either of these facilities.
- 130 Steps have been taken in the scheme to minimise noise from both the A224 and the commercial activities to the south of the site and the scheme incorporates a 2m fence along the boundary with the public highway which turns along the first part of the northern boundary. This fence would sit behind the existing hedgerow and would be largely hidden from public view, although glimpses will be visible during the winter months when the hedge is not in leaf. A similar acoustic fence is proposed along part of the southern boundary with Oak Tree Farm between the main part of the crematorium and the house at Oak Tree Farm whilst a 2m high planted bund is shown along the boundary to the rear between the memorial gardens and the stables. Concerns have been expressed about the visual impact of the fences in particular, but such fences could be erected as permitted development anyway but also they will be screened with planting. If members are concerned about the location of the fence immediately behind the boundary hedge, the fence could be moved further back into the site to allow for more planting behind the existing boundary hedge to completely obscure the fence from public view.
- 131 Amendments have been made to the scheme to reduce noise levels across the site Officers are advised that there are actually no noise guidance regulations in respect of the levels of noise considered acceptable within a crematorium and burial site. Accordingly I am satisfied that this proposal complies with policies NR10 and the NPPF.

### *Air Quality*

- 132 Policy SP2 seeks to ensure that *the design and location of new development will take account of the need to improve air quality in accordance with the Districts Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level.*
- 133 Policy NR10 is referred to above and details the Councils approach to air quality. However the operation of a crematorium requires a permit under the Environmental Permitting Regulations which specifically considers the issue of air quality and such a permit cannot be issued unless the facility is in compliance with the regulations. The NPPF is clear at paragraph 122 that *the LPA should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local Planning Authorities should assume that these regimes will operate effectively.* The impact of emissions on the environment can therefore be adequately controlled under separate legislation.

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- 134 An air quality report was not required by the Councils Environmental Health Officer since it is considered that this aspect of the proposal could be dealt with by condition. A separate permit has to be issued by the Councils Environmental Health Officers and that will only be issued if the facility is in compliance with the relevant Regulations.
- 135 This approach is consistent with the Inspectors decision in the Amber Valley appeal where he concluded that *I am satisfied that the environmental controls to which any new facility would be subject would ensure no harm would arise to nearby properties from emissions to air or noise. Matters relating to emissions are governed by Part B of the Environmental Protection Act 1990 and the Environmental Permitting (England & Wales) Regulations 2010 as a prescribed process and required authorisation. These matters are outside the planning process, covered under separate legislation and a licence to operate is required before the use can begin. The crematorium would require an environmental permit to operate. Any emissions would be closely monitored and any infringements would be governed by the Local Authority as licensing authority. The impact of emissions on the environment and nearby residents would therefore be adequately controlled.*
- 136 Accordingly for these reasons I am satisfied that the proposals comply with policy SP2 of the Core Strategy, NR10 of the SDLP and the NPPF.

### Highways:

- 137 Policy T9 advises that the Local Planning Authority will not permit any development which involves construction of new accesses on to the defined primary or secondary route network or increased use of existing accesses onto primary or secondary routes. New development should normally have access via an access road onto a local route.
- 138 This scheme proposes that alterations will be made to an existing access rather than the creation of a new access. At present access to Oak Tree Farm is via an in/out access with a central planted island. The island would be removed and a 7.5m wide access into the site will be created. It will occupy the same position as the existing access, but priority will be given to the crematorium. Vehicular access to Oak Tree Farm would be gained to and from this access. The road would be set out to give priority to the crematorium and ensure that any vehicles using Oak Tree Farm have to stop and let crematorium traffic through before they leave the site.
- 139 A pedestrian access to the site will be created some 65m to the north and a new traffic island will be created to facilitate pedestrian crossing from the public footpath on the other side of the A224.
- 140 A right hand turn lane will be created to provide access for traffic heading south on the A224. Once inside the site parking is available for 104 vehicles. The main issues concern the impact of additional traffic upon the road network, the accessibility of the site to those without access by car, and issues of sustainability in terms of travelling times/distances.
- 141 In respect of policy T9 the working of this policy is noted. However in the absence of any specific KCC policy constraint and in the light of the proposal meeting current KCC requirements in respect of the sharing of this access, there would be

no justification in KCC raising objections to a proposal on these grounds. It would therefore be for SDC to assess whether or not to raise a local policy objection in this regard.

- 142 It is clear from the site survey information, projected traffic flows and background vehicle flows that the proposals will not generate a level of vehicle movements which would be significant in respect of either available highway capacity or additional Network or local movements.
- 143 Concern has been expressed regarding the impact of slow moving funeral corteges upon the existing traffic. The proposed access can be delivered to the principle requirements of the Highways Authority for the use class in question and so there would be no justification for any concern of this nature to be raised. Furthermore prior to both the approval of design and commencement of works, the proposed highway improvements will be subject to the appropriate levels of principle and detailed technical and safety audit through our required Highway Agreements process.
- 144 It is noted that whilst the revised Stage 1 Safety Audit has not been submitted but that this is not considered to be a reason for refusal. Any changes to the access that may be required as a result of that audit may necessitate amendments to the scheme and if these are considered to be material to the scheme a fresh application would be required to consider the appropriateness of those changes.
- 145 The site would not be widely accessible by public transport, there being a bus route along the A224 but no other viable means of public transport (this service comprises one bus each way on school days). The nearest bus stop for a regular bus service lies approx. half a mile away. Those wishing/having to walk to the site could use the pavement on the other side of the road and cross at the proposed new traffic island.
- 146 Whilst it is accepted that public transport links to the site are limited, this has to be considered in context. The proposed use is one which can be seen through surveys of similar sites to generate a high percentage of private vehicle trips and high average passenger numbers with relatively small numbers of visits by other modes. Whilst the ideal scenario would be for consistent levels of public transport provision to be available to all development sites, the reality is that sites such as this in a rural locality often have no local services and the existence in this case of a bus service with nearby stops within a reasonably short walking distance is considered to be appropriate and proportionate for a use of this nature in the context of this locality.
- 147 The applicant is providing a pedestrian island and uncontrolled pedestrian crossing point linking the existing footway on the east side of the A224 with the pedestrian site access on the west side of the A224 which is considered an appropriate level of Pedestrian provision for a site of this nature.
- 148 Most crematoria in rural areas appear to be at least on the fringes of settlements or in more remote locations where public transport is not necessarily comprehensive. It is accepted therefore that whilst this site does not benefit from good public transport accessibility that this should not be considered such a dis-benefit as to warrant a refusal of the scheme.

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- 149 Concern has been raised regarding the potential impact of future development at Fort Halstead on the local highways network. It would not be normal practice to require a current development proposal of this scale to either account for, or to be tested against the theoretical impact of potential future planning proposals or nearby land allocation proposals in advance of any such proposals being formally permitted or committed.
- 150 Accordingly I am satisfied that this proposal complies with the relevant parts of the NPPF and policies T9 and EN1 of the SDLP.

### *Ecology:*

- 151 The NPPF states that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible.
- 152 Policy SP11 seeks to conserve the biodiversity of the district and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 153 Policy EN17B refers to areas of nature conservation interest and the need to ensure that a loss of wildlife habitats and other features of nature conservation interest are not permitted.
- 154 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. The submitted Ecology Report concludes there are several small and localised areas of potential reptile habitat and recommended that a precautionary mitigation approach should be used to clear these areas. Whilst objections are not raised by KCC in principle to the scheme, further details have been requested to confirm that the proposed methods of clearance to be used on this occasion are acceptable. At the time of writing this report further information had been submitted and was under consideration regarding details of what habitat will be impacted as a result of the proposed development and where the suitable replacement habitat is located.
- 155 At present it is anticipated that this matter can be dealt with by means of condition and this matter will be updated for members at the Committee meeting.

### *PROW:*

- 156 The NPPF seeks to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users.
- 157 Policy SP10 seeks to develop a green infrastructure network of accessible multi functional green space, primarily based on linking and maintaining existing areas of open space. In this case the nearby public right of way contributes to this network, but would not be affected by this development.
- 158 The plans have been amended to reflect the fact that ashes should not be scattered within 50 yards of the public right of way.
- 159 No objections are raised in consideration of this matter.

### *Sustainability*

- 160 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. Whilst the NPPF offers support for the use of sustainable travel modes it also offers encouragement to solutions which support reductions in greenhouse gas emissions and reduce congestion. This could be accomplished by both improved public transport but also by locating development where the need to travel will be minimised.
- 161 Policy SP2 likewise supports measures to reduce reliance on travel by car.
- 162 The most significant issue regarding the matter of sustainability is the impact of traffic drawn to the site. At present those needing the services of a crematorium need to drive outside the district to sites in excess of a 30 minute drive time. Judging by comments made by Clergy and others involved in such services the drive time can often be considerably in excess of 30 minutes.
- 163 Clearly therefore the siting of a crematorium within the District will facilitate shorter driving times. Whilst there is a balance to be considered in this matter, shorter journey times must be considered a more sustainable development overall, although
- 164 Of course this will mean more traffic in and round this district.
- 165 Whilst this scheme will involve more car journeys within the district, overall it will reduce the amount of travel and therefore must be considered a sustainable proposal.

### *Neighbour Amenity:*

- 166 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. We should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 167 Policy EN1 seeks to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses.
- 168 The 1902 Cremation Act sets out parameters for the location of the crematorium in relation to existing dwellings and the public highway. At present this scheme complies with those parameters.
- 169 Issues specifically related to the impact of noise in respect of neighbour amenity are considered above. However it must be recognised that the increased level of activity associated with this use could still adversely affect nearby residents and occupiers.
- 170 In this instance however the nearest occupiers live in the Oak Tree Farm complex where the neighbouring uses are commercial and create some degree of noise and disturbance. Whilst those residents will share the site access and will undoubtedly notice the additional traffic drawn to the site, it is not considered that their amenities will be adversely affected by additional noise and disturbance.

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- 171 The nearest occupiers would be sufficiently far from the car park so they would not be adversely affected by noise generated by that use. The general levels of activity anticipated on the adjacent highways are likewise not considered to be so severe as to justify a refusal on the basis of harm to either local residents or local businesses.
- 172 It is considered in summary that the scheme would be compliant with the relevant policies and would not harm the amenities of nearby residents or occupiers of commercial premises.

### *Flooding*

- 173 The NPPF seeks in general terms to avoid new development in areas at risk of flooding.
- 174 The Environment Agency identify a stretch of the A224 in the vicinity of the site entrance as being at low risk of surface water flooding (low risk is classified as being at risk of flooding between every 1:100 and 1:1000 years). Recent flood events have however resulted in the access to the site being impassable due to flooding, on at least two occasions. The only part of the site that flooded was the entrance: land beyond the gated access to the site appeared to remain unflooded.
- 175 The Environment Agency seeks to ensure in this case that the new development does not make the existing situation any worse and has accordingly not raised objection to the proposal. Rather they have suggested a number of conditions to address flood issues within the site and to try to ensure that the proposed development does not worsen any flood risk either on or off the site.
- 176 The Environment Agency comments had not been received at the time of writing this report. However this issue was raised with the EA in respect of the application considered for land south of Orchard Barn when residents had advised that land around that site adjacent to the A224 was subject to surface water flooding. The guidance from the EA at that time was that since this was an issue related to surface water flooding that an appropriately worded surface water condition should help to resolve this flooding.
- 177 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in Flood Zone 1. This site is in Flood zone 1 ie a low probability of flooding. In such an area all land uses are considered appropriate and the technical guidance advises that the overall aim of the sequential approach should be to steer development to Flood Zone 1. This guidance also advises that the overall aim of developers and local authorities should be to seek opportunities to reduce the overall level of flood risk in an area through the layout and form of the development and the appropriate application of sustainable drainage systems. Such systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. As a result of the proposed conditions it is not considered that the proposed new development would make the current situation any worse since the main part of the development lies outside the area that is identified as at risk. With an appropriate scheme however the position with regard to surface water run-off could be improved such that no water runs off the site.



Since water from the entrance contributes to the highways flooding this would represent an improvement to the current situation.

- 178 This is an issue that should be resolved before the permission is implemented and this could be dealt with by means of a pre commencement condition to clarify the causes of the poor drainage and any proposed mitigation.
- 179 It is concluded therefore that subject to the relevant condition to resolve surface water issues that this scheme would not cause any harm in respect of flooding.

### Other Issues

- 180 *Screening Opinion:* the proposal has been considered under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011.
- 181 The proposal was considered to represent Schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations. When considered against the criteria in Schedule 3 of the Regulations, the potential impact of the development would not be considered 'significant.' This impact and any other impact would be limited and localised, and would not be significant in terms of nature, size and location, to the extent that an Environmental Impact Assessment would be required.
- 182 *Agricultural Land Classification:* Para 112 of the NPPF states: Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.
- 183 The Kent Landscape Information System indicates that the application site is most likely to be poor or good agricultural land, the land classification includes very good and excellent categories. This would not therefore be considered to be land of the highest quality and taking into account all of the guidance in the NPPF, the change of use of the site from agriculture would be considered acceptable.

### Access Issues

- 184 Would be dealt with as part of any building regulations submission.

### Assessment of Very Special Circumstances

#### *Impact upon the Openness of the Green Belt / Demolition of existing buildings/structures*

- 185 This development is clearly inappropriate development in the green belt and the NPPF is clear that even a replacement building remaining in the same use, but which is materially larger than the original, can harm the green belt. It is appropriate here to consider the implications of the Appeal Decision on the land to the north as well as the implications of the removal of certain structures and activities from the site and adjacent land upon the harm to the green belt caused by this scheme.
- 186 The Appeal Inspector reached several conclusions regarding development of the site to the north which must inform any decision on this site. The first regards the

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character of this area. He concluded that *it is not urban fringe landscape, rather detracting elements such as those surrounding commercial developments, simply serve to emphasises the relative fragility of the green belt in this locality.* The introduction of a new building *would lead to a further loss of openness together with a significant area of car parking.* A high quality landscape scheme *could not be wholly successful in preserving the present rural character.*

- 187 The floor area of the proposed building is very similar to that of the crematorium proposed on the site to the north. The design of this proposal is quite different to that proposed on the site to the north, albeit the floor areas are similar. The ridge height of the scheme recently refused was 7.3m compared to 8.4m of this scheme whilst the chimney of this scheme is approximately 1.1m higher than that of the scheme recently refused permission.
- 188 The current scheme proposes the removal of two existing structures:
- the shell of a two storey brick building lying toward the front of the site , set back some 40 m's from the boundary with the A224. The building is 10 x 5.5m's in size and lies adjacent to the access road to the farm. Its maximum height is just under 6m's. Its last lawful use appears to have been agricultural but in any case the building is a lawful structure.
  - a corrugated steel silo that is currently used for the storage of hay and which is sited approximately 115m from the boundary with the A224. The silo appears to have been moved from elsewhere on the Oak Tree Farm site, but appears to be fixed to the ground and in its current storage use is lawful. It has a maximum height of 6.5m's.
- 189 The combined floorspace of both these structures is approximately. 80 sqm with a combined volume of approx. 423 cubic m's. The proposed crematorium would have a floor area of 273 sqm plus those areas beneath the flower garden colonnade and porte cochere. It would have a volume over three times that of the buildings to be removed.
- 190 The structures being removed have a combined floor area and volume below that of the crematorium and in officers view have less impact upon the openness of the green belt than would the development of the site with the crematorium: partially as a result of their size and partially as a result of the fact that they are in separate locations around the site. It should of course also be remembered that they are/were both agricultural buildings and although the brick building does not overtly resemble an agricultural building the silo clearly does and is interpreted within the surrounding landscape as such. In a rural landscape one expects to find agricultural buildings and consequently they appear as appropriate development within the landscape. Whilst neither structure makes a particularly valuable contribution to the wider area the removal of the two storey brick structure would however open up the front of the Oak Tree Farm site.
- 191 A number of other goods and items stored on the land immediately to the north of Oak Tree Farm are also promised for removal as part of this scheme and these include 3 helicopters and miscellaneous storage containers, steel beams, machinery parts etc. These however are considered to form part of an unlawful storage use of the site which is currently under investigation by the Councils Enforcement Team. It is believed that the Council can secure the removal of these goods, using enforcement powers if necessary, and their removal should

not therefore be considered as a benefit of the proposed new crematorium or as part of any offset/mitigation argument in terms of green belt openness.

- 192 The applicant has also offered to cease the use of part of the adjacent site at Oak Tree Farm for concrete crushing and screening activities. This will result in the removal permanently of two significant sized machines and potentially upto approximately 10,000 tonnes of spoil along with piles of steel which are stocked prior to the crushing activity. Considered in isolation of other activities on the same site (i.e. recycling) this represents a very clear benefit in terms of the visual impact upon the Green Belt, impact in terms of a reduction in traffic movements and consequently beneficial impact upon the character of the green belt. At present we are advised that approximately 10% of the owners business is derived from recycling activities and these activities will continue. There is nothing therefore to prevent this aspect of the activity increasing and since no commitments have been made in terms of clearing a specific part of the site and leaving it clear of all machinery and all spoil, it is difficult to quantify precisely what the long terms benefits are to the character and openness of the green belt of the cessation of the crushing/screening activities. If the offer had involved clearing the whole site and ceasing all commercial activity the benefits to the green belt would have been much clearer.
- 193 However, when considered against the Inspectors conclusions, officers do not consider that the current scheme, which would secure the removal of fewer buildings than previously proposed, and with the limited cessation of commercial activities, would successfully mitigate the harm that the new building and access/parking area would cause to the openness of the green belt and general character of the surrounding countryside.

### Quantitative Need:

- 194 Is concerned with matching the demographic evidence of death in the local population, its distribution, the number likely to require cremation and the capacity and distribution of existing facilities in the area concerned. An assessment is required regarding the ability of existing crematoria to copy with the need for their services, taking account of the standard of service that is expected. It should be noted that the Inspector, in the recent Orchard Barn decision, concluded that *there is clear evidence of quantitative and qualitative need for the proposed crematorium.*

### Catchment Area:

- 195 In an appeal decision relating to a proposed crematorium in Camborne the Inspector concluded that a population of approximately 150,000 people would be within realistic travel time of the facility and that would be sufficient to ensure its long term future. This would also be consistent with the view of the Institute of Cemetery and Crematorium Management who also advise that a catchment area of 150,000 is required to sustain a crematorium. The district of Sevenoaks has a population of just under 115,000 (2011 census). Taking the 150,000 as a benchmark, the applicants submission indicates that a population of approximately 242,500 people would live within equal distance of the proposed crematorium and the nearest other crematorium. This compares with a figure of 216,000 people identified by the previous application for a crematorium as living closer to the Halstead Site and any other site. This figure represents a catchment area that extends beyond the boundaries of Sevenoaks and includes residents

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from Bromley, Tandridge and Tonbridge/Malling. This appears to be an accepted approach in the determination of planning applications and planning appeals ie that a demonstration of need does not only have to relate to the district within which the crematorium is sited, but also to those surrounding districts.

- 196 A crematorium has recently been approved in Gravesham but that is not considered to reduce the demand for a crematorium in this District.

### *Cremation Rates and Burials:*

- 197 No information has been submitted in respect of this application but available evidence suggests that since the mid 1990s the cremation rate has increased very slightly and sits around a figure of 73% of deaths being dealt with by cremation. We are told that Sevenoaks has a relatively older population with an above average percentage of the 64+ age group. If the current death rate is applied to the population figures for the catchment area and taking account of the national cremation rate of 73%, this illustrates a demand for approximately 1500 cremations per year. The application site will serve other authorities (based on the minimum drive time) and the information from the Office for National Statistics indicates that with the exception of Tandridge the other districts and Sevenoaks will have an ageing population. This in crude terms implies that death rates overall are likely to increase across the catchment area of the site.
- 198 It should be noted that these figures differ slightly to those offered as part of the previous application for land to the north of this site in terms of cremation rates and the number of cremations therefore anticipated : an increase of 130 cremations on 'day one' compared to the figures provided for the earlier application. This nevertheless retains a minimum figure of 1,370 as suggested in the earlier application and therefore still demonstrates a significant demand.
- 199 Within the local area an approval for a new burial ground exists at Watercroft Wood, but it is not considered that there should be any conflict between the availability of burial plots and the need for a crematorium even though the two facilities would be relatively close to each other.

### *Qualitative Need:*

- 200 Covers a range of issues that relate to the experiences of mourners:

#### *Capacity/Waiting times:*

- 201 Part of the applicant's case relates to waiting times for a service at neighbouring crematoria. Whilst all crematoria that have provided such evidence to the Council indicate they have capacity, it appears to be the case that most people seek a service within a prime slot of 10am – 3.30pm. When assessing a crematorium's capacity it is important to look at those slots and not the fact that there may be slots available either very early or late in the day. Assessing capacity at Tunbridge Wells, Maidstone and Beckenham, which are all single chapel crematoria it is estimated that they do not have capacity to offer services within the most sought after part of the day within a reasonable timescale. This is the same evidence that was presented for the earlier application.
- 202 Officers have made contact with surrounding crematoria and those that have responded (Medway and Kent and Sussex) have denied any significant delays.

Indeed they go on to set out the circumstances which may account for the perception that they are operating at full capacity at certain times:

- The preference for services times during the central part of the day even though other service times may be more readily available
- the funeral directors ability to deal with multiple bereaved families i.e. the funeral directors may not have the available staff to accommodate a service due to other commitments
- if a family wish to have a church service prior to a cremation this requires the availability of the church and the minister in addition to the funeral director and crematorium.
- Medway advises that it is in the midst of a major improvement programme which results in the closure of one chapel necessarily affecting its service delivery. Over a 5 year period they consider that on an average basis they have not operated at capacity over the last 5 years although there may be the occasional day when they have operated at capacity.
- Tunbridge Wells Borough Council advises that in respect of the Kent and Sussex Crematorium that they average 63% utilisation of the full capacity of the crematorium. They acknowledge an upturn of some 30% during the Jan-March period each year.

203 An Inspector concluded in an appeal decision in 2013 in Amber Valley, that in fact *the employees or operators have a vested interest in painting a rosy picture of their own operations. The funeral directors have no such vested interest.* In a case in Camborne the Inspector concluded that *the accounts of funeral directors and the clergy are persuasive* – albeit that comment was in respect of the traveling times to other crematoria. Elsewhere in that decision the Inspector refers to representations from the same group regarding waiting times in gaining services at the preferred time. The experiences of those professionally involved in arranging or conducting funerals is a material factor in support of the application scheme and this approach was confirmed by the Amber Valley appeal decision. See appendix 2 to the Watercrofts Wood report).

*Travel Distances/Times:*

204 In previous crematorium applications/appeals an industry standard, or “rule of thumb” has been adopted as 30 minutes travel time for a funeral cortege to the crematorium being generally acceptable. In applying this standard the speed of a cortege is corrected by a factor of 0.6 of average travelling speeds. In the Camborne appeal decision the Inspector took this as a starting point for his assessment.

205 The applicant has submitted an assessment of the travel times to surrounding crematoria and indicates as follows:

Tunbridge Wells	40 minutes
Maidstone	50 minutes
Eltham	50 Minutes
Beckenham	78 minutes

These times account for the slower speed of the funeral cortege.

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- 206 These drive times are explained by the traffic congestion en route and the fact that the sites in Maidstone and Tunbridge Wells lie on the far side of the respective towns with consequent delays. The point that is emphasised is that the drive time for funeral directors always exceeds the theoretical drive times.
- 207 Again this assertion is backed up by those funeral directors and clergy who have contacted the Council.
- 208 In numerical terms it is calculated that the resident population that would have Sevenoaks as their nearest crematorium (which currently falls outside a 30 minute drive time of all other crematoria but within 30 minute drive time of Sevenoaks) would be 140,002 (based on 2011 population). This is projected to increase to 155,568 in 2021 and 168,353 in 2033. Including those who reside outside the District this number would rise to 183,837.
- 209 The provision of a crematorium should not be considered solely against its ability to meet a need within this district but account should also be taken of its ability to meet a need outside the district. In this case the provision of a crematorium on this site would bring parts of adjoining districts within the 30 minute travel time to Halstead. Some of those areas currently lie outside the 30 minute drive time to any other crematoria whilst some lie within the travel time to an existing crematorium. Those areas that currently lie outside the travel time to any other crematoria must be considered as part of the population that would serve this facility. Those that lie within the catchment area of existing crematoria and cannot be considered as part of the population required to serve this facility and do not therefore contribute to any assessment of need. Rather they could be considered to contribute to an assessment of demand for this facility ie this facility would provide a readily accessible alternative facility for families who already had ready access to an existing crematorium. In this case that overlap with other crematoria exists along the north western boundary of the District and includes an overlap with the crematoria at Beckenham, Lewisham, Eltham, Maidstone and Medway.

### *Other sites:*

- 210 In addition to the consideration of harm to the green belt caused by the scheme, the Council should also consider whether the green belt in general, and this site in particular, is the most appropriate site for this development. The NPPF sets out two formal uses of the sequential test (i.e. the sequence of tests to be applied when considering the location of new development) – in relation to retail development and in relation to development in areas at risk of flood. However it is also a helpful approach in terms of the application of green belt policy. In this case we need to consider if it would be possible to locate such a facility outside the green belt i.e. within the built confines of a town or village and if not whether there is a more appropriate green belt site for such a use, if need is demonstrated. This latter point relates to paragraph 89 of the NPPF and is considered more fully below.
- 211 The applicant appears to have considered a greater range of sites than was the case in respect of the Orchard Barn site as detailed below:

New Barn Road, Swanley: The Council was approached regarding a site in 2011. The site lay in the green belt and was considered unacceptable for reasons relating to the means of access being too narrow, traffic having to travel through a

residential area of Swanley and that it was too far north within the District to adequately serve the District's population.

Old Chelsfield, Parkgate Farm: Discounted because of inappropriate access via a single track road and the difficulty for the district's residents in reaching the site.

### 212 Other sites considered:

- Fort Halstead: discounted because of the timescales involved and the residential and commercial land values the site would attract.
- Watercroft Wood: Problems include close proximity to housing, less than ideal steep access to the site, only a small area lies within the 200 yard area, restrictions of TPOs, potential impact and difficulties associated with ecology, too close to an electricity line. Essentially available site to develop is too small
- Land west of Station Rd Badgers mount: would result in the loss of undeveloped green belt site harmful to openness of green belt. Involve the creation of a new access.
- Land west of Old London Rd B Mount: negative impact on residential amenities, prominent building on crest of a hill,
- Land south of Orchard Barn: loss of an undeveloped green belt site, creation of a new access
- Land adjacent of Otford Cemetery: loss of undeveloped green belt site, too close to Otford village for route of funeral cortege, limited usability due to the 200 and 50 yd rules.
- Land west of A225: undeveloped greenfield site, adjacent to flood zone.

213 As Part of the very special circumstance case considered in the recent Orchard Barn decision were the implications of potential alternative sites to fulfil the need for a new crematorium the district. The Inspector concluded that whilst attaching considerable weight to the identified need in this general location, he could not be certain that there *is no suitable alternative site that would have a lesser impact on the openness of the green belt*. In those circumstances, the *material considerations do not individually or collectively amount to very special circumstances which clearly outweigh the harm by reason of inappropriateness, and harm to the character and appearance of the countryside*.

214 This application originally proposed the removal of non agricultural buildings from the area which, together with the two remaining structures/buildings would have amounted to a loss of floorspace very close to the proposed crematorium, albeit that has now changed (details provided earlier in this report). The activities proposed for cessation undoubtedly have a significant impact upon the character and openness of the surrounding area, but without being able to ensure that the land which they operate from can be cleared and that other activities such as the recycling won't take their place this actually offers little quantifiable benefit.

215 In the light of the above decision, the changes made to this application to reduce the number of buildings to be removed and the uncertainty surrounding the use of the land currently occupied by the crushing/screening activities, officers do not

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consider that this scheme offers an alternative that could be guaranteed to be less harmful to the surrounding green belt than the scheme dismissed on appeal.

- 216 The harm identified in this case is the principle of building the proposed crematorium in the Green Belt, which would be inappropriate development and the harm this building would cause to the openness of the Green Belt. The report has identified that all other harm including to the character and appearance of the landscape, noise, air quality, amenity, highways, and PROW can be satisfactorily mitigated by conditions.
- 217 Essentially the very special circumstances identified relate to the demonstration of need, being both a quantitative and qualitative assessment, location of existing crematoria and the effectiveness of existing crematoria, availability of other sites and the impact upon the landscape.
- 218 As can be seen from above, other sites have been considered and discounted, Officers are not aware of any alternative proposals, as currently proposed that can be clearly demonstrated to be available that offer a more suitable alternative to the application site. .
- 219 As can be seen from above it is considered that the proposed scheme could fit comfortably within the general landscape without causing significant harm. However the fact that a development could 'fit in' could be easily replicated within the area and would not therefore be regarded as a very special circumstance on its own to clearly outweigh the harm to the green belt.
- 220 In considering the site on Land South of Orchard Barn the Inspector considered all aspects of the need issue, including the distance to surrounding crematoria, the waiting times for services at those crematoria and the seasonal variations associated with those waiting times. He considered the following to be material:
- the catchment population for the facility is significantly above the benchmark and is predicted to rise further over time,
  - approximately 130,000 – 140,000 people who live more than 30 minutes drive from a crematoria would live within 30 minutes of the Orchard Barn site
  - he accepted the likelihood of suitable site being identified in an urban area of the district to be remote
  - it is correct to take account of seasonal fluctuations in respect of the usage of existing crematoria
  - the evidence of local funeral directors and clergy should be considered regarding long waiting times and inconvenience to mourners
- 221 It is clear from the examination of other appeal decisions that this is capable of representing the very special circumstances needed to overcome harm caused by virtue of inappropriateness. In this case the harm caused by the lack of available crematoria to the local population within 30 minute drive time in combination with the scale of population affected by this deficiency and the modest gains to the openness of the green belt by the demolition of existing structures is considered to be sufficient to clearly outweigh the harm caused to the green belt by virtue of inappropriateness and other harm.



**Conclusion**

- 222 This scheme proposes a new crematorium with associated parking and landscaping on a green belt site fronting London road Halstead. The scheme also proposes the demolition and removal of two buildings which appear to be lawful and the cessation of some nearby commercial activities that are undoubtedly harmful to the general character of the surrounding countryside and green belt. The site has been assessed in terms of its impact upon the adjacent highway and it is considered the shared access with Oak Tree Farm could be *accommodated* without causing adverse impact to local road users. The landscaping proposals would change the character of this site but would provide a wooded appearance which would be sympathetic to the general character of this landscape and would offer bio diversity improvements at the same time.
- 223 In terms of the amenities of the area although evidence has at this stage still to be fully assessed regarding environmental facts of air quality and dust emissions it is considered that these could be adequately covered by alternative legislation/condition.
- 224 The proposed scheme is clearly, inappropriate development within the Green Belt where openness and permanence are both essential characteristics which would be damaged by the development proposed. A recent appeal decision on land immediately to the north of this site recognises the balance to be considered between the need for such a facility and the harm such development would cause to the green belt and general character of the countryside. In this case concerns about the strength of the benefits offered by draft legal agreement, changes to the scheme that reduces the floorspace to be removed and the implications of the recent appeal decision lead officers to conclude that the very special circumstances have not been demonstrated that would clearly outweigh harm to the openness of the green belt and character of the surrounding area.

**Background Papers**

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

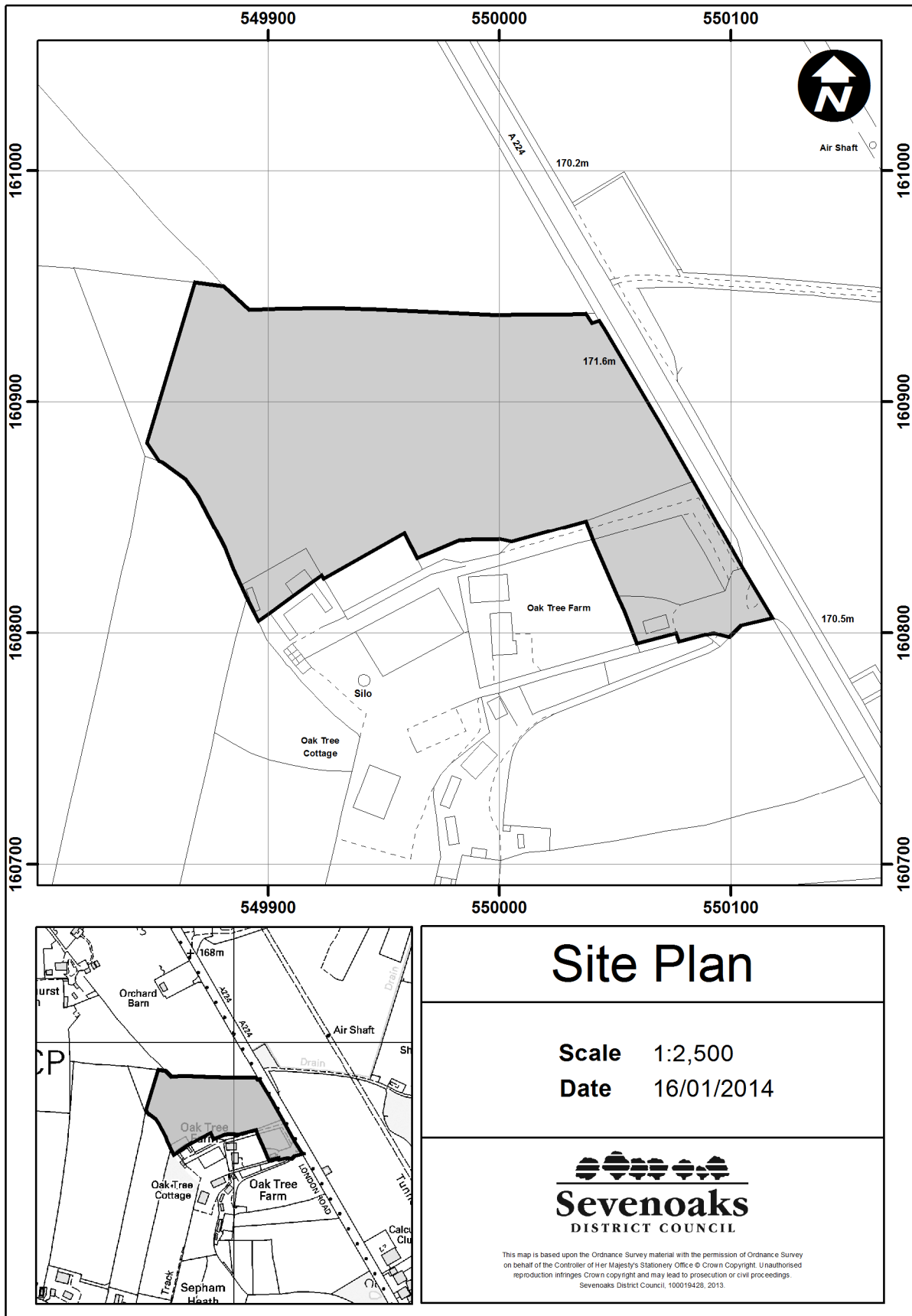
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

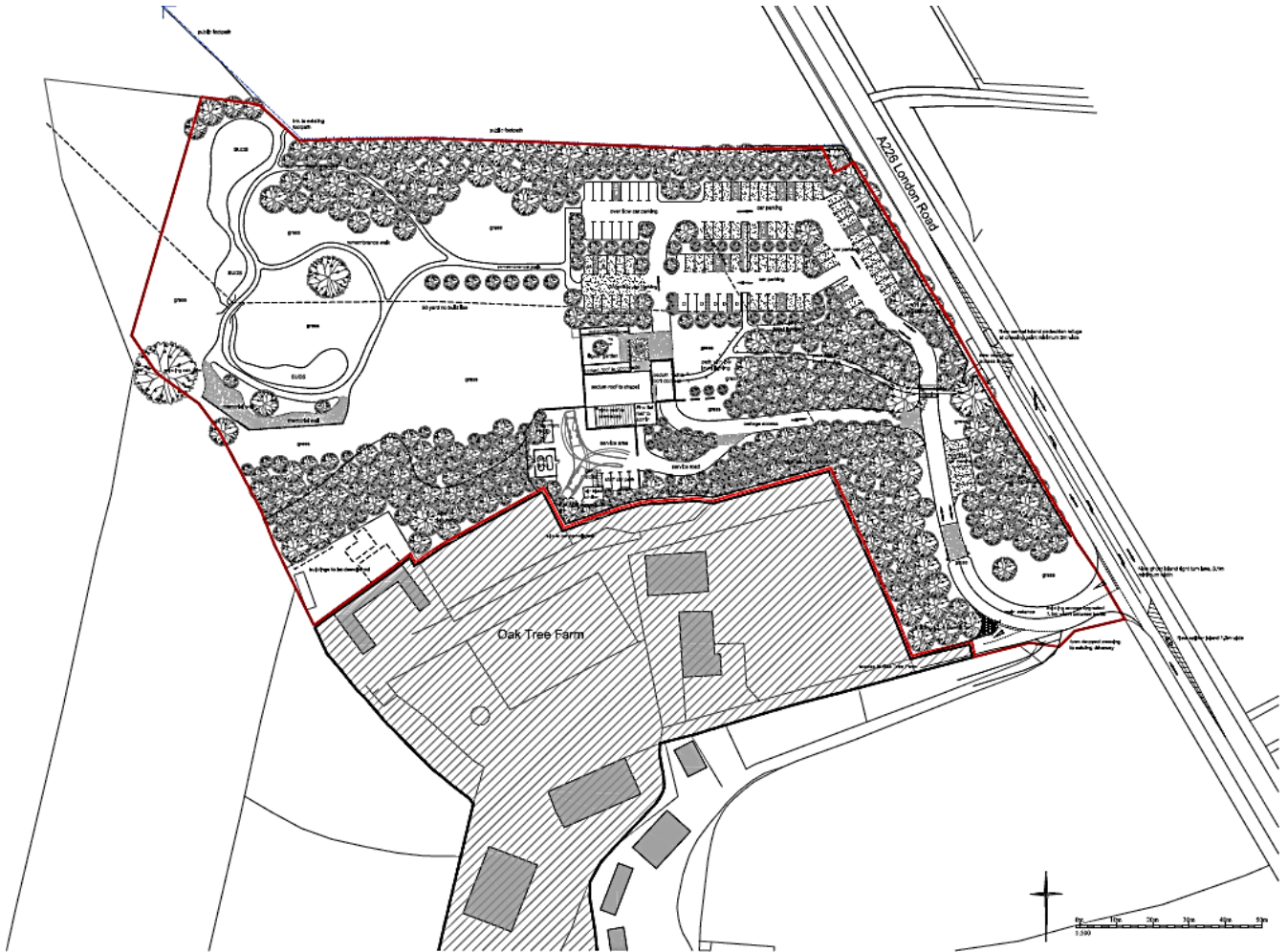
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MV7Q50BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MV7Q50BK8V000>



**Block Plan**



**Appeal Decision Land South of Orchard Barn (SE/13/02415/FUL) - Appendix 1**



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## Appeal Decision

Site visit made on 18 February 2014

**by David Richards BSocSci Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 March 2014**

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**Appeal Ref: APP/G2245/A/13/2210128**

**Land south of Orchard Barn, London Road, Halstead, TN14 7AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Memoria Ltd against the decision of Sevenoaks District Council.
  - The application Ref SE/13/02415/FUL, dated 5 August 2013, was refused by notice dated 8 November 2013.
  - The development proposed is construction of a new crematorium, associated car park, access road and gardens of remembrance, and area for natural and traditional burials.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect on the character and appearance of the countryside, and whether very special circumstances exist to justify inappropriate development in the Green Belt.

### Reasons

#### *Effect on the countryside*

3. The site is approximately 2.5 hectares in extent and lies in the Green Belt to the west of the A224, south of Badger's Mount. It is a level pasture currently used for grazing sheep. There is a well established hedgerow along the road frontage. To the north of the site there is a 2<sup>1</sup>/<sub>2</sub> storey building used as a kitchen salesroom with offices known as Orchard Barn. To the north-west there is a dwelling (The Granary). The southern and western site boundaries are formed by hedgerows up to 2 m in height, with intermittent mature hedgerow trees, and some gaps. The north east boundary with Orchard Barn consists of trimmed conifers. The western boundary gives open views of the surrounding countryside. Oak Tree Farm lies to the south.
4. A footpath follows the southern and western boundary of the site, where it passes through a gate in the direction of the village of Halstead, which lies approximately 1 km to the west.
5. Set within the Green Belt in the locality there are a number of enclaves of development. To the north of the site lies the Toby Carvery with parking areas to the front and side of the building, and an open frontage to the A224. To the east Polhill Garden Centre is an extensive established commercial use with greenhouses, buildings and a substantial entrance/exit with extensive parking.

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Oak Tree Farm to the south comprises a number of buildings and structures in a variety of residential and commercial uses. The field between Oak Tree Farm and the site is currently used for the storage of a variety of items including helicopters, mobile storage units, job buckets and steel girders. Beyond Oak Tree Farm lies the Calcutta Club and Diner and a significant group of buildings fronting the main road, and parking/turning areas to the side of the buildings.

6. The main crematorium building would have a floor area of some 282 m<sup>2</sup>, with a further 87 m<sup>2</sup> lying under 2 portes cocheres. It would be a single storey building located in the centre of the northern part of the site. The ridge of the building would be some 7.3 m, with a stack 1 m above the ridge line. It is intended that the building would be rural in character, constructed of brickwork with panels of dark stained timber boarding and a tiled roof. The proposals include a surfaced car park for 60 cars, and an overflow car park of reinforced grass for a further 40 cars to the east of the building, between it and the road. The crematorium building and hard surfaced areas would occupy about 14% of the overall site area, the majority of which will remain open in character.
7. The parking area would extend to some 2900 m<sup>2</sup>. A new entrance to the site would be provided, requiring the removal of some 70 m of the existing substantial hedgerow. A replacement hedge would be planted behind the required visibility splays.
8. Proposed landscaping would include a belt of native planting to include screening from the A224, and an area of orchard planting and wildflower grassland in the south west corner of the site. The access road would be lined with trees and would pass through a meadow area before turning north towards the car park. A native hedge would define a small memorial garden, with a pond providing a focal point. Overall the length of hedgerow on the site would increase by 231 metres. A meadow area to the rear of the crematorium would remain open to allow views of the wider landscape. The public footpath along the southern boundary would be fenced from the remainder of the site at its eastern end (near to the road), and by a native hedgerow offset 5 metres from the existing hedge. Formal ornamental planting would be limited to the area around the building, the car park and the memorial garden. Other areas would retain a more naturalistic appearance.
9. The site lies within a gently undulating landscape with the rising landform of the North Downs forming a ridge to the east and south of the site. The land use in the area is predominantly agricultural (mainly pasture), though there are horticultural and commercial uses associated with Polhill Garden Centre. There are several blocks of woodland in the locality, most notably Chalkhurst Wood some 450 m to the west of the site, and others adjoining the M25 to the east. There are also some small areas of orchard, a characteristic use which was formerly much more extensive.
10. The Appellant's Landscape and Visual Impact Assessment (LVIA) references a number of studies of the landscape character of the surroundings. Of particular significance is a District wide Landscape Character Assessment adopted by Sevenoaks District Council in 2011 as a Supplementary Planning Document (SPD). This identifies the site as lying within the Knockholt and Halstead Downs LCA. This assessment states that the condition of the Knockholt and Halstead Downs is poor and its sensitivity low. The recommended landscape actions are discussed as follows. *The changing use and emphasis of this area means that the new landscape features are needed*

*to accommodate new uses. In the farmed landscape the rural heritage features should be reinforced, such as woodlands and hedged boundaries to roads. However, new features may be introduced into the urban fringe landscape, which should express both the historic and natural characteristics of the area. This may involve the enhancement of historic village cores, and the replanting of community orchards, or the provision of rural fringe edge which enhances the wildlife interest and provides space for urban recreation.'*

11. I acknowledge that there is scope for improvement of the landscape structure of the area. However, to my mind, the recommended landscape actions as they affect the area around the appeal site should be read in the context of the Framework's approach to development in the Green Belt, which emphasises the preservation of openness. While there are some developments nearby which detract from the character of the area, and would benefit from sympathetic landscape improvements, the site itself retains characteristics which are strongly rural and which relate to the more open countryside to the west and south west of the appeal site.
12. The Appellant suggests that the extent and nature of development in the locality gives it the character of urban fringe. My observation of the appeal site and its surroundings is that it does not uniformly merit characterisation as urban fringe landscape. While I accept that some of the development detracts from the countryside character, such uses are often found to a greater or lesser extent in rural locations. The detracting elements if anything serve to emphasise the relative fragility of the Green Belt in this general locality, rather than to serve as a reference for development which would lead to a further loss of openness. To my mind, the introduction of a new building, though designed to appear as a rural building, would lead to a further loss of openness, together with a new access and significant areas of car parking that would be harmful to the existing countryside character. I accept that the development would be accompanied by a high quality landscaping scheme, which would in time provide screening for the buildings and parking areas. However, given the nature of the development, this could not be wholly successful in preserving its present rural character.
13. I accept that there are opportunities for screening the building and car parking areas, as indicated in the landscaping scheme, which would partially mitigate the impact of the development in the landscape. In my estimation views from nearby dwellings and commercial properties would be of limited overall significance. Nevertheless the limited visibility of the existing site and of the proposed development does not alter the fact that there would be a significant change in that the present agricultural/pastoral character of the site would be replaced by a more intensive form of development including a number of more formal and urbanising features.
14. Saved policy EN1 of the Sevenoaks District Plan sets out a number of criteria which apply to the consideration of all development proposals. The development would comply generally with the requirements of EN1 in terms of its design, landscaping and effects on traffic and the amenity of neighbours. However the ability to comply with these criteria does not in any way lessen the need to demonstrate very special circumstances to justify inappropriate development in the Green Belt in accordance with the requirements of the Framework.

15. Policy LO8 of the Sevenoaks Core Strategy advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape will be protected and enhanced wherever possible. I consider that the change in character from the present low key agricultural use to the more intensive use associated with the crematorium would conflict with the aims of this Policy.
16. The site is not within the Kent Downs Area of Outstanding Natural Beauty (AONB). However, the land on the opposite side of the A24 is within the AONB, and so saved Policy EN6 of the Sevenoaks District Local Plan is relevant as any development which is perceived to harm or detract from the landscape character of the AONB will not be permitted. Nevertheless I do not consider that the development would be of such significance as to harm or detract from the AONB.

*Harm to the Green Belt by reason of inappropriateness, and other harm*

17. Paragraph 89 of the National Planning Policy Framework (the Framework) specifies the provision of appropriate facilities for cemeteries as an exception to the general classification of new buildings in the Green Belt as inappropriate, as long as the openness of the Green Belt is preserved and there is no conflict with the purposes of including land within it. However, it is not disputed that the inclusion of a crematorium building would be inappropriate development. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. In addition to harm by reason of inappropriateness, and the harm to openness, the construction of the building and introduction of parking areas would involve some harm to the character and appearance of the countryside as described above. While there would be no need for the footpath to be diverted, and the landscaping proposals would provide some mitigation and screening, there would also be some harm to the enjoyment of users of the footpath arising from the change in character of the site.

*Material Considerations*

19. The Appellant submitted detailed evidence of need with the planning application. Using 2011 population figures, this confirmed that some 216,000 people live closer to the proposed site than to any other facility in the country. For a catchment of this size 1370 cremations per year would be expected. The catchment population is predicted to rise to some 260 by 2033, with the predicted figure for cremations rising to 1602 annually. The industry guidelines for this type of facility indicate a benchmark population of 150,000 people, and this has been used as a measure of quantitative need in other appeal decisions. The catchment population for the proposed facility is significantly above the benchmark, and is predicted to rise further over time.
20. With regard to qualitative measures of need, evidence commissioned by the Appellant shows that some 130,000 - 140,000 people who currently live more than 30 minutes drive time from a crematorium (at speeds appropriate to a funeral cortege) would be within 30 minutes of the appeal site.
21. A further report on needs assessment prepared by Peter Brett Associates for the Appellant refers to the difficulty of identifying sites in urban areas, due in

part to the requirements of the Cremations Act 1902, and competition from other uses. I accept that the likelihood of a suitable site being identified in an urban area of Sevenoaks District is remote. The report also concludes that almost all sites outside of urban areas are in the Green Belt.

22. The report points to high levels of demand at existing Crematoria, notably Eltham, which is the second busiest crematorium in the country, where waiting times of three weeks and more are common. This compares with an industry 'rule of thumb' of one week. This evidence of need was supported by local funeral directors and by a representative of the local clergy, who referred to the anxiety that can be caused to mourners by lengthy journeys, the waiting times for existing facilities, and constraints on the length of time available for funerals. The Appellant's need evidence was not challenged by the Council, and I consider that it provides clear evidence of quantitative and qualitative need for the proposed crematorium.
23. A number of objectors have questioned the Appellant's evidence of need, referring to the statements by existing operators of crematoria at Tunbridge Wells, Medway and Eltham that they are currently operating below capacity. While it may be that over a period of a year, there are untaken slots which are theoretically available, this doesn't take account of seasonal fluctuations in mortality which affect levels of demand. I see no reason to discount the evidence of local funeral directors and clergy who refer to the long waiting times which can be experienced at times, nor the inconvenience and anxiety occasioned by the need for relatives and mourners to travel a considerable distance.

### *Alternative sites*

24. A search for alternative sites was carried out for the Appellants by a firm of Chartered Surveyors. The requirement was to find a freehold site of between 2 and 4 ha, within 2 km to the north, east and west of Halstead or within 5 km to the south, with direct access from a highway capable of accommodating potentially large volumes of traffic. The site needed to be in an attractive setting with good boundary screening and not prominent in the landscape. A circular was sent to a range of land, commercial and estate agents operating in the locality. Property search engines and local market knowledge were also used.
25. One potential site was identified, at Fairtrough Farm, Knockholt. However it was subsequently found not to meet the criteria, being outside the area of search, accessed by country lanes and within 200 yards of surrounding residential properties. The Cemeteries Act 1902 specifies a minimum distance of 200 yards, unless by consent of the owner. The report states that a further comprehensive search of sites within and adjoining the settlements to the north of Sevenoaks and around the settlements of Dunton Green, Otford, Halstead, Kemsing and south-east of Orpington revealed a lack of suitable sites. On this basis the report concluded that no other suitable sites were available on the market that would meet the needs of the Appellant.
26. I accept that the evidence demonstrates that there are very unlikely to be any suitable and available non- Green Belt sites within the defined areas of search and nearby settlements. I note that two other planning applications are under consideration by the Council but which have yet to be determined. One is immediately to the south of the appeal site, and another is further north. The



Council states that it has been contacted by a fourth company expressing interest in providing a crematorium in the District. These schemes are not before me for determination and the limited information before me does not enable a meaningful comparison to be made between them. The two sites on which applications have been submitted are in the Green Belt, and subject to the same considerations as set out in the Framework.

27. The promoter of a rival scheme on an adjoining site at Oak Tree Farm questions the Appellant's evidence for concluding that no alternative suitable site is available. I agree that the site search carried out on behalf of the Appellant cannot be said to be comprehensive. The existence of at least two other possible sites is revealed by the submission of the two planning applications. A site at Watercrofts Woods, approximately 1 mile north of the appeal site, where planning permission has been granted for a cemetery, would at least have merited further investigation as a potential site for a crematorium. A previous proposal to construct a crematorium on that site was turned down due to inability to demonstrate need at that time. These planning applications are evidence of potential alternative sites being available for consideration.
28. The promoter of the scheme at Oak Tree Farm also argues that the Appellant has failed to follow a sequential approach to the identification of a preferred site, making reference to paragraph 89 of the Framework which states that '*partial or complete redevelopment of previously developed land is not inappropriate*'. It is argued that while the current appeal site is a greenfield site where a crematorium would clearly be inappropriate development, the Oak Tree Farm site offers the opportunity of the demolition of an existing dwelling of some 120m<sup>2</sup>, other buildings totalling 128 m<sup>2</sup>, a silo, as well as avoiding the need for the creation of new access. The Council acknowledges that there may be some benefit in terms of openness effects from the removal of existing structures, though the extent to which current uses at Oak Tree Farm are authorised, in particular open storage uses on the land adjacent to the current appeal site, is in question. It is also the case that agricultural buildings are not included within the definition of previously developed land.
29. There is no national or local policy requirement for this type of development to follow a sequential approach to the identification of sites. The details of the Oak Tree Farm scheme are not before me for determination, and the objectors claim that development there may not be inappropriate is untested. Nevertheless, on the information available I am not able to be certain that there are no alternative sites which would have less overall impact on Green Belt openness. This would be a key factor in reaching a conclusion in respect of the existence of very special circumstances.

#### **Other matters**

30. Objectors referred to recent heavy rainfall which has resulted in standing water on part of the site, and on the A224, which had to be closed at one time. Nevertheless the site is not in an identified flood risk area, and the proposal would incorporate a sustainable drainage scheme with a surface water run-off attenuation feature. A flood risk assessment has been prepared which demonstrates that there are no flood risk constraints, and the Environment Agency has not objected to the development. In the circumstances I am satisfied that any localised problem can be addressed by means of a condition.

### *Balancing exercise*

31. The proposal would involve inappropriate development which is intrinsically harmful to the Green Belt. It would involve a loss of openness and some harm from the introduction of a new access and parking areas. I attach substantial weight to the harm by reason of inappropriateness, and the harm to openness. In addition, there would be harm to the character and appearance of the countryside and of the Green Belt by the replacement of a characteristic farming landscape with a more intensive use. This would be particularly apparent to users of the footpath which passes through the site.
32. A number of material considerations weigh in favour of the proposal. I attach considerable weight to the quantitative and qualitative evidence of need for a crematorium in this area. It would serve a catchment substantially in excess of 150,000 people who would live closer to the proposed crematorium than to any existing facility. While the operators of existing facilities have stated that they are operating below capacity, I consider there is convincing evidence of seasonal variations which can give rise to waiting times of 2 – 3 weeks. In my judgment the provision of a crematorium facility in this location would be a considerable benefit to the wider population served by the new facility.
33. With regard to alternative sites, there is no evidence of a suitable non-Green Belt site being available. The requirements of the Cemeteries Act would make it difficult to locate such a facility in an existing settlement, where there are in any case competing pressures for developable land. The majority of Sevenoaks District outside of existing settlements is covered by Green Belt designation, and it is therefore very likely that any alternative provision for this type of facility capable of serving the identified catchment would be in the Green Belt, and would have some impact on openness. While it has been suggested that other schemes which are the subject of planning applications may have benefits in terms of the preservation of openness, the details of these alternative schemes are not before me for determination. Nevertheless on the evidence before me, it is not possible to be certain that an alternative site which would have less impact on Green Belt openness is not available.
34. For planning permission to be granted it is necessary to demonstrate the existence of very special circumstances which clearly outweigh the harm to the Green Belt and other harm. While I attach considerable weight to the identified need for a Crematorium in this general location, I cannot be certain that there is no suitable alternative site that would have a lesser impact on the openness of the Green Belt. In these circumstances, the material considerations do not individually or collectively amount to very special circumstances which clearly outweigh the harm by reason of inappropriateness, and harm to the character and appearance of the countryside.
35. Accordingly, I dismiss the appeal.

*David Richards*

INSPECTOR

5.1 Reference: 310/08/042

## **ENFORCEMENT OF PLANNING CONTROL**

The Grove Cafe, The Grove, Swanley BR8 8AJ

### **ITEM FOR DECISION**

This matter has been referred to the Development Control Committee at the request of Councillor Searles, to consider the impact of the development on the surrounding area.

### **RECOMMENDATION:**

That the authority is given to take no further action in respect of the extension and rear store to the café, on the grounds that enforcement action is not expedient.

### **FOR THE FOLLOWING REASONS:**

The development is considered to have no adverse impact on the amenities of adjacent properties or the visual amenities of the area. As the Highway Officer has raised no objection to the development, it is considered that the proposal is acceptable on highway and parking grounds.

### Background

- 1 In November, 2010, the Council received a complaint that the café at the above location had been extended by the erection of a conservatory type extension together with a small rear store, without the benefit of planning permission.
- 2 A retrospective planning application was submitted in August, 2011, and made valid in November, 2011 (SE/11/01572 refers).
- 3 This application was withdrawn on 29 January, 2014, as concerns were raised by the adjacent landowner that the development has encroached into land that he owns.
- 4 Land Registry plans from the adjacent landowner were submitted to the Council in an attempt to support the case for encroachment. It is however impossible from the information submitted to ascertain whether the extension to the café actually does encroach into the adjacent site. (It is however submitted that boundary lines on a typical Land Registry plan are a metre on the ground and are merely a guide to the actual legal boundary).
- 5 Legal advice has been sought, and the advice received is that the boundary of a site is a private law matter for the property owners and the exact boundary is rarely a material planning issue.

### Description of Development

- 6 The extension at the front of the existing café measures 4.2 metres by 4.3 metres and is the same height as the existing café building, at 2.7 metres. The plans show that the extension accommodates up to 12 additional tables. The façade of the extension has been constructed from bricks and upvc units, to match the

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existing. On the side elevation of the building that fronts the highway is an emergency door.

- 7 In addition to the extension, a rear store has also been built, which measures 1.6 metres by 3.1 metres in size and 2.7 metres in height.

### Description of Site

- 8 The Grove, Swanley, is a newly completed Industrial Estate measuring 0.387 hectares. It comprises 9 new industrial units. Planning permission for the original café was granted in 2010 (SE/09/02637 refers).
- 9 The site is accessed via a concrete track located off Park Road. To the north of the site lies the railway and to the northeast lies Park Road Industrial Estate. To the east of the site lie a number of residential properties, within Sheridan Close.
- 10 The site is located within the built confines of Swanley.

### Constraints

- 11 There are no constraints that affect this site

### Policies

#### *Sevenoaks District Local Plan*

- 12 Policies – EN1, VP1,

#### *Sevenoaks Core Strategy*

- 13 Policy– SP1

### Planning History

- 14 11/01572 – retention of an existing PVC purpose built room to front of café and store room to the rear. WITHDRAWN 29/1/14
- 15 09/02637/FUL - Retention of a PVC purpose built room to serve food to Units 1 - 9 + extract duct. Wall and gates at entrance of site. GRANT 07/07/2010
- 09/00520 - Retention of a PVC purpose built room to serve food to Units 1 - 9 and wall and gates at entrance of site. Additional parking & vehicle turning information received 27/08/09. WITHDRAWN
- 06/03301/FUL - Demolition of existing buildings and erection of new B1 use industrial units (As amended by revised plans received on 13 March 2007). GRANTED 29 March 2007
- 16 KCC Highways were consulted on the planning application for the conservatory and store and raised no objection.
- 17 The Environmental Health Officer also raised no objection.
- 18 Swanley Town Council objected to the application.

- 19 3 letters of objection were received in connection with the application. The main issues include the following:-
- Amenity
  - Design, layout and appearance of the proposal
  - No parking
  - Blocking access to A,B,C and D parking areas
  - Road safety
  - Adequacy of infrastructure
  - Economic impact on existing businesses on the estate

### **Chief Planning Officer's Appraisal**

#### Principal Issues

- 20 The determining issues include the following:-
- The impact of the development on the amenities of neighbouring properties
  - Highway Implications of the proposal
  - Impact of the development on the character and amenity of the area
  - Need
  - Access implications

#### *Impact on Amenity of Neighbouring Properties*

- 21 Policy EN1 from the Sevenoaks District Local Plan states that proposed development, including any changes of use, should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. The nearest residential properties are located to the east of the application site within Sheridan Close. At the closest point from the front of the proposed extension, the properties are approximately 40 metres away.
- 22 The previous applicant for the erection of the original café confirmed that the premises would be used as a café for staff working on the industrial estate, and involve serving simple meals (chips, bacon, eggs etc). However, the planning consent that was granted was for an A3 use, which allows use of the premises to trade to the wider public and sell a greater variety of food.
- 23 When the café was originally granted planning permission under application 09/02637/FUL, on 7 July 2010, a number of conditions were imposed to reduce the potential for the business to diversify/intensify its activities, including.
- The deliveries shall only take place between the hours of 08:00 and 17:00 on any day.

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- The use shall only take place between the hours of 08:00 and 17:00 Monday to Friday, between 08:00 and 14:00 Saturday and shall not be open on Sundays or Bank Holidays.

The reason for both of these conditions was to protect the amenity of adjacent properties. Both remain in force in respect of the original café.

- 24 Given the comments received from Environmental Health in respect of the proposed extension, the unit is considered to comply with policy EN1 of the Sevenoaks District Local Plan.
- 25 As previously identified with the original application approved under application SE/09/02637/FUL, the extension does have implications for the planning permission that was approved under SE/06/03301/FUL for the demolition of existing buildings on the site and erection of new B1 industrial units. Under this permission, the following condition was imposed:-

“The car parking, cycle stand and pedestrian route shown on the approved drawing S/1234/05/PL-03C shall be provided and kept available for such use at all times and no permanent development shall be carried out on the land so shown or in such a position as to preclude vehicular access to the car parking, cycle stand and pedestrian link”

The drawings that were approved on 13 March 2007 show the area at the front of the site (where the original café has been constructed) as an informal pedestrian area. This area was also proposed for landscaping. In this respect, the extension conflicts with that condition.

- 26 Although it is recognised that the unit erodes the informal concrete block paved pedestrian route that was shown on the drawing, this is not considered to be unacceptable, and was not indeed identified as an issue when the original café was approved. The Highway Officer has raised no objection to the loss of this feature. It is considered acceptable on highway safety grounds to share the vehicle entrance as proposed. On the other side of the access, a new informal path has been installed which accommodates some of the pedestrian movement.
- 27 The loss of the landscaping buffer zone is also considered acceptable given the commercial nature of the site.
- 28 The development raises no adverse highway/parking concerns. Any remaining breaches of existing conditions will be investigated as a separate matter by our Enforcement Team, and an assessment will be made as to whether it would be expedient to take any action.

### *Impact on the visual amenity of the area*

- 29 Policy EN1 (from SDLP) states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The site is located to the south of the industrial estate adjacent to the main access into the site. The PVC building and the wall/gates are visible from The Grove (the small access into the site) and from Park Road which is the main public highway.
- 30 As stated above the extension is constructed entirely from bricks with PVC framework and windows. Although the building with the addition of the extension

has the appearance of a residential conservatory extension, and is not a conventional commercial style building, it is not considered adversely to affect the character and appearance of the area. An objection on visual amenity grounds is not warranted, due to the small scale nature of the building being extended. Although the side elevation is visible from the street scene it is not considered to be visually harmful given the context of the site.

- 31 The store to the rear is not considered to be of any visual merit; however it is not considered unduly prominent or overbearing and does not warrant an objection on planning grounds.
- 32 The extension and store are therefore considered to have no adverse impact on the character and appearance of the area and are considered to comply with the aforementioned policies.

### Other Issues

#### *Need*

- 33 The Town Council raised objection to the development on the grounds that there is no requirement for any more eateries in the town. Lack of need for additional facilities does not, however, constitute a justification for objection in planning terms. There is no requirement under planning policy for an applicant to demonstrate a need for the use.

#### *Flooding*

- 34 The Town Council has concerns regarding the increase of hardstanding at this site as currently there are flooding issues at nearby Sheridan Close caused by rainwater run off. It is not considered that this small unit has any flooding implications.

### Access Issues

- 35 Accessibility is an important planning consideration that needs to be taken into consideration in the planning process. Policy EN1 of the Sevenoaks District Council states, "the proposed development provides appropriate facilities for those with disabilities". In this case, this is a service facility that needs to be accessible for all. The main access doorway in the unit is considered large enough to accommodate disabled access. In addition the doorway is only marginally raised from the ground which is also considered to be acceptable and provides suitable disabled access into the premises.

### Third Party Objections

- 36 The main issues raised by the objectors have been adequately addressed in the report in terms of amenity, design, layout and appearance, road safety, and the adequacy of infrastructure of the extension and store.
- 37 Other issues raised include blocking access to units A, B, C and D parking areas. These units are located to the south and south west of the application property. The extension does not obstruct access to these specific units. Given the position of the extension at the front of the unit, this new addition is not fixed or next to any of the above aforementioned units and does not affect the maintenance of the buildings.

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- 38 The other issue raised by objectors was the fact that the extension has an adverse economic impact on the surrounding businesses due to the competition that the café places on parking. It is important to note that KCC Highways have raised no objection to the extension on parking grounds. Although it is not disputed that customers of the café do park in spaces other than the allocated parking spaces, this is a management issue of the site, and not an issue for planning to resolve.

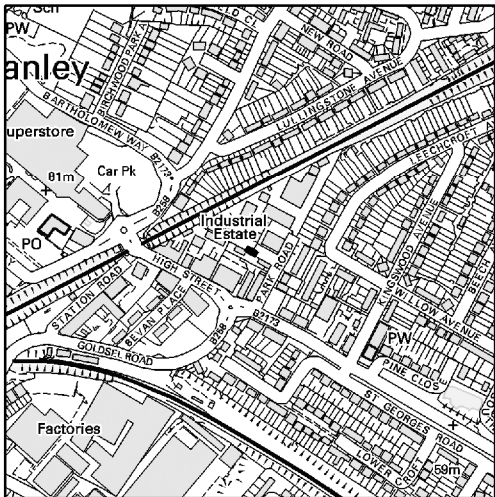
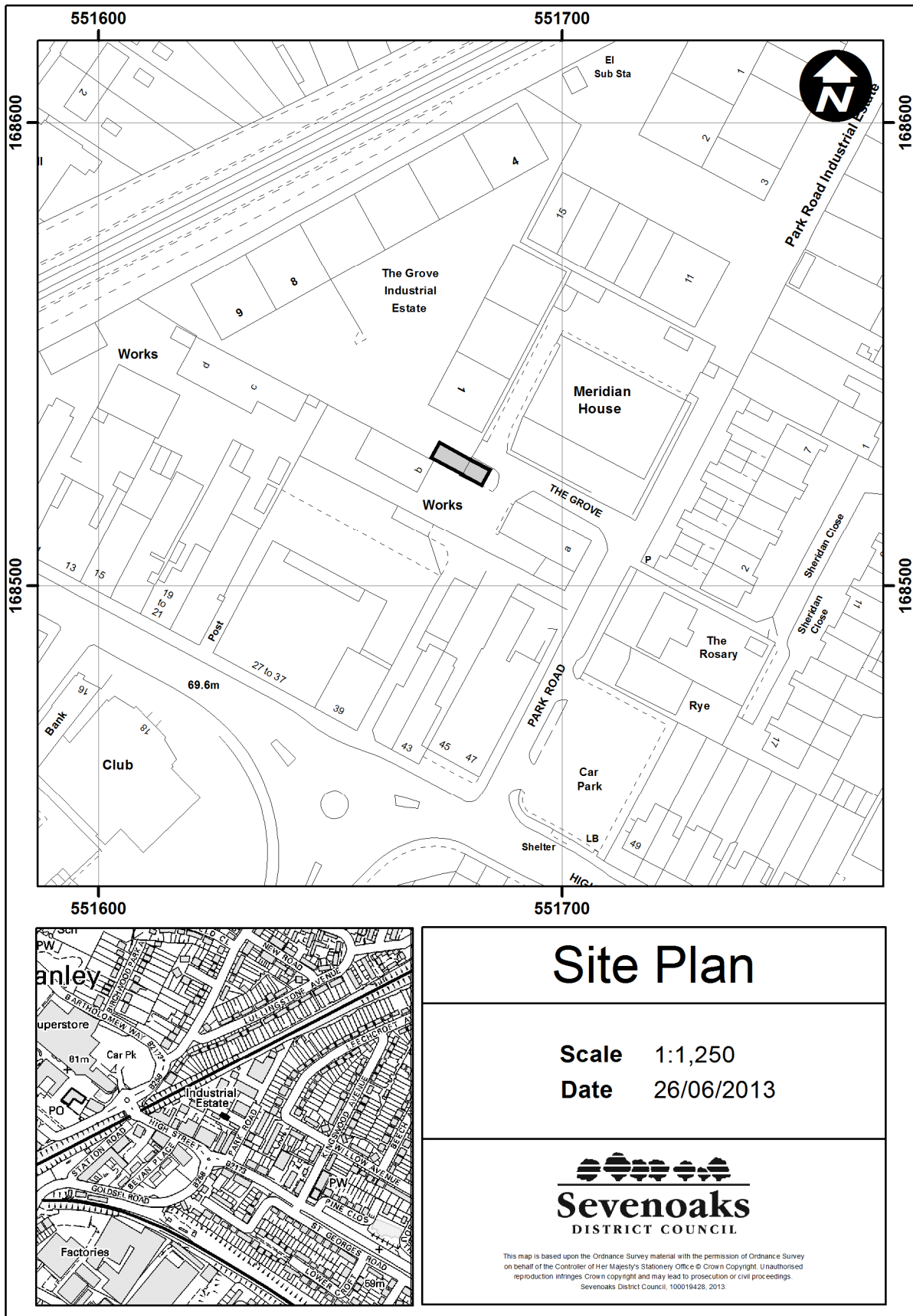
### **Conclusion**

- 39 In conclusion, the development is considered to have no adverse impact on the amenities of adjacent properties or the visual amenities of the area, despite the concerns raised by the Town Council. In addition to this as the Highway Officer has raised no objection to the development, it is considered that the extension and store are acceptable on highway and parking grounds. Accordingly, enforcement action is not expedient in this case.

**Contact Officer(s):** Nicola Clinch 7369

**Richard Morris**  
**Chief Planning Officer**





# Site Plan

Scale 1:1,250

Date 26/06/2013



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