

## DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 1 July 2021 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Pett (Vice Chairman)

Cllrs. Ball, Barnett, Brown, Cheeseman, Perry Cole, Coleman, P. Darrington, Edwards-Winsor, Hudson, Hunter, McGarvey, Osborne-Jackson, Pett, Purves, Raikes and Reay

Apologies for absence were received from Cllrs. Hogarth and Layland

### 5. Minutes

Resolved: That the Minutes of the Development Control Committee meeting held on 10 June 2021 be approved and signed by the Chairman as a correct record.

### 6. Declarations of Interest or Predetermination

Cllr Osborne-Jackson declared for Minute 8 - 20/02892/FUL - Sevton, Powder Mill Lane, Leigh Kent TN11 9AR that he was predetermined and would be speaking as the local Member.

### 7. Declarations of Lobbying

All Councillors declared that they had been lobbied in respect of Minute 8, 20/02892/FUL - Sevton, Powder Mill Lane, Leigh KENT TN11 9AR.

### RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

### 8. 20/02892/FUL - Sevton, Powder Mill Lane, Leigh KENT TN11 9AR

The proposal sought planning permission for the proposed retention of existing farm building and change of use to enable a horse cremation facility. The application had been referred to the Committee by Councillor Osborne-Jackson who fully supported objections raised by residents and Leigh Parish Council, which related to concerns about the impact upon residential amenity and highway safety due to increase traffic noise and smells.

Members' attention was brought to the main agenda papers and late observation sheet which proposed an additional condition and amended condition 5 and the informative (1).

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The Committee was addressed by the following speakers:

Against the Application:	Clive Reading
For the Application:	Charlie Sparrowhawk
Parish Representative:	Brett Skipper
Local Members:	Cllr Osborne-Jackson

Members asked questions of clarification from the speakers and officer. In response to questions the speaker for the application confirmed that the container was concealed and unmarked and approved by DEFRA for transporting the horses. The ashes would be returned to the owners, and there would be no storage facility on site for the animals. The horses would be brought in and cremated on the same day.

In response to questions the Case Officer confirmed that there were restrictions on vehicular movements on the site and that one horse could be cremated a day due to the time the full process took. In response to further questions the Environmental Health Officer advised that he was happy with height of the flue and that no monitoring limits were required as it was deemed that the emissions produced by the cremator would be too low to monitor. It was also confirmed that due to the second combustion within the process it would prevent visible remnants or smells coming out from the process, only colourless and odourless combustion would be there.

It was moved by the Chairman and duly seconded that the recommendations within the report, including the additional condition, informative and to amend condition 5 so that only one horse cremation could take place a day be agreed. Members discussed the application and considered whether it would be appropriate to include a condition to specify the number of horse cremations able to take place in a week.

It was moved by Cllr Hunter and duly seconded by Cllr McGarvey that a maximum of 3 cremations take place in a week.

Members debated the motion.

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

Debate continued on the original motion, with particular focus on the hours of use and the number of hours taken for a cremation. Good maintenance of the machinery and flue was discussed by the Committee to ensure equipment continued to work properly.

It was moved by Cllr Perry Cole and duly seconded that machinery and flue be maintained in line with the manufactures guidelines with a register kept. The motion was put to the vote and it was carried.

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Debate continued on the substantive motion. Members discussed the proposed condition 10 and whether to specify further that it was all vehicles associated with the horse cremation should be required to turn right onto Powder Mill Lane. It was moved by Cllr Reay and duly seconded that the condition be amended to reflect that all vehicles associated with the horse crematorium be required to only use Powder Mill Lane and that signage inform those exiting to the site to turn right.

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

Debate continued on the substantive motion.

The Chairman moved from the Chair that there should be an additional soft landscaping condition for an evergreen hedge adjacent to the southern elevation of the barn, along the fence boundary. Members discussed the motion. The motion was put to the vote and it was carried.

Members continued debate on the substantive motion noting the concerns raised by residents and the information put forward by the Environmental Health Officer, and lack of objection from KCC in regards to the highways.

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) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Orders replacing or superseding this Order, the use of the buildings shall be limited to a horse cremation facility and for no other use or purpose.

In the interests of highway safety and residential amenity.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location and Block Plans 846/05, Proposed New Access Road Site Plan 602/02 Rev B, Proposed Ground and Roof Plans 846/03C, Proposed Elevations and Section 846/04B, Existing SW Drainage Details 846/07, Bird and Bat Boxes 846/08, Addfield Environmental Systems Ltd Product Details Cremation Machine, Addfield Environmental Systems Ltd Statement Regarding Odour 22/08/2019, Venta Acoustics Sound Level Measurements, MRL Acoustics Noise Assessment December 2020,

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

- 4) Prior to the use of the site commencing the only vehicular access to and egress from the site shall be by way of the access to Powder Mill Lane, which was approved as part of planning permission SE/16/00683/ARGNOT. This access shall be permanently retained as such thereafter.

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

- 5) Use of the site shall be limited to one horse cremation per day.

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

- 6) Cremations and deliveries to the site shall only take place during the following hours: Monday - Saturday 08:00 to 19:00 hours and no cremations and deliveries shall take place on Sunday and Bank Holidays.

In the interests of highway safety and residential amenity.

- 7) No external lighting shall be installed on site without the prior written approval of the Local Planning Authority. Details of the siting, type, illumination and beam trajectory shall be submitted should external lighting be sought. Any approved external lighting shall be carried out in accordance with the approved details.

To ensure the dark skies of the area and residential amenity is maintained in accordance with Policy EN2 of the Sevenoaks District Council Allocation and Development Management Plan.

- 8) Prior to use of the site commencing, full details of ecological enhancements to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

To maintain and enhance the biodiversity of the site in accordance with Policy SP11 of the Core Strategy

- 9) No open backed loaded vehicles used in connection to the horse cremation operations shall leave the site unless they are securely sheeted or otherwise covered. All horse carcasses are to be moved in a DEFRA approved sealed trailer.

In the interests of highway safety and residential amenity.

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- 10) All vehicles used in association with the horse cremation facility shall enter and exit the site via Powder Mill Lane. Prior to the commencement of the use a sign shall be erected at the site exit directing all vehicles to turn right onto Powder Mill Lane and shall be retained thereafter.

In the interests of highway safety and residential amenity.

- 11) Prior to the use of the site commencing details of the colour and external materials of the proposed flue pipe shall be submitted to and approved by the local planning authority. Once installed the flue shall be retained as such thereafter.

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

- 12) Routine maintenance of the horse cremation equipment, plant and flue shall be undertaken in accordance with the manufacturer's guidelines in perpetuity and a record shall be kept of the maintenance carried out. The record shall be made available on request by the local planning authority.

To safeguard the amenities of the occupiers of nearby residential properties as supported by policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

- 13) Prior to the use of the site commencing details of a soft landscaping scheme, comprising evergreen planting, to be planted along the boundary adjacent to the southern elevation of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and 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 safeguard the amenities of the occupiers of nearby residential properties as supported by policies EN2 and EN7 of the Sevenoaks Allocations and Development Management Plan.

### Informatives

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens

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that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 2) A public right of way may be affected by this proposal and planning permission does not authorise its stopping up or diversion (even temporarily). There is a separate and sometimes lengthy procedure to deal with this and you should contact Kent County Council for further information. It is an offence to obstruct a public right of way.  
Public Rights of Way & Access Service  
West Kent PROW  
8 Abbey Wood Road Kings Hill  
West Malling, ME19 4YT  
Web site: [www.kent.gov.uk](http://www.kent.gov.uk)  
Phone: 03000 41 40 89

THE MEETING WAS CONCLUDED AT 8.37 PM

CHAIRMAN