

- **20 01089 OUT Outline Application (Access not reserved) Land To The North West Of Broughton House, Rolvenden Road** Erection of 4 no. two storey detached dwellings with integral garaging facility, formation of new access drive and associated works

Parishioner comments :

This site appears to be a site referenced historically as 'Site 66', when reviewed as part of the Parish NDP under HSA3 ISAs for Regulation 14 (Page 9). It is unclear how much information was shared on ownership boundaries and a gate location being within the Workhouse Gill protected woodland when the HSA3 ISA for Site 66 was being carried out.

In summary the Applicant seeks to develop land (but with 4no. 4 bed 2 storey houses). We are Objecting to this Application and any sort of development in this ANOB and protected Ancient woodland of Workhouse Gill and ask that the Parish Council object too for the following reasons:

The site is outside the Limits of Built Development outlined within the recent Benenden NDP July 2019 draft. Broughton House is not visible on 1970's OS Maps so may have been previously granted permission beyond Limits of Built Development too in the 1980's/1990's behind what is now called Camellia House (originally named Leybourne). The previous 1994 dated TW/94/0225 granted permission for Broughton House for a change of use from Pastureland at its rear to a Garden had clear requirements for preserving the 'ANOB and Special Landscape Area', and therefore to be a 'rough grassed' garden area and no buildings erected, retaining trees, and maintaining Pullington Cottages outlooks onto natural landscapes of that ANOB. The application site appears to draw boundaries derived only from what is visible to the applicant and benefits them in terms of their own views and outlook and this is not in the interest of the ANOB or outlook of others. There is NO direct access into the proposed site from Leybourne Dell and the Application implies as such, a gate remotely located from Site 66 only exists on the boundary between Leybourne Dell housing and the protected Workhouse Gill ancient woodland (ANOB 'W1'). The site is therefore landlocked from Leybourne Dell. Trees appear to have been recently cleared from within in the ancient gill woodland behind the gate at the Workhouse Gill / Leybourne Dell boundary to create a route through. It is not known who carried out the work and with what Authority and whether felling licences were obtained. If a contravention of the protection has occurred the tree lines must be replaced to the extent of the Ancient Woodland boundary. We ask the Parish Council support with an Objection to this Application, There is no necessity for this small development in this ANOB, it is landlocked and appears to be implying that the Applicant may be trying to cross protected Ancient Woodland.

It is our understanding that under the NPPF paragraph 175C clearly protects Workhouse Gill

The National Planning Policy Framework (NPPF) (paragraph 175c1) states: 'When determining planning applications, local planning authorities should apply the following principles: c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (see footnote 58) and a suitable compensation strategy exists; and

Footnote 58 states: 'For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'

This Application clearly is not an 'exception reasons' project and furthermore woodland cannot be just cleared/ pushed back with the distinct intention of development in mind. The Forestry Commission are clear on that.

Our 4th May comments on the TWBC Portal include extract maps from OS on the portal and Natural England, We have also downloaded a copy of the Applicants Title Plan which also clearly shows the extent of the ancient woodland line too. These all align and are consistent in terms of the woodland line. Noting the applicants Site Proposal Plan incorrectly depicts the woodland line we have issued a mark-up to be loaded to the Portal (as attached), quoting the NPPF para 175C, but also marking the +30m buffer

(the constraint listed on the TWBC Planning Portal) and 15m clear zone applicable to foul pumping stations too, which Southern Water insist on. The access is evidently in the ancient woodland. The road and houses evidently in the buffer zone.

The 4th May neighbour comments are further concern that the Application Form on the portal is not correctly completed, stating work as not commenced, no reference to protected or designated areas or protected species existing and that the D&A Statement unacceptably seems to promote this as an already approved site as under HSA3 ISA's, as 'Site 66'. The comments query what level of information was declared by the owners for the BNDP to allow informed decisions to be made.

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Cllr Thomas : Cllrs Beveridge, Grant and Thomas carried out a site visit..

We walked the site and also had a chat with the landowner.

You will have already seen the correspondence I have received from a parishioner, and I would advise you to read through the full 20 page well researched and referenced objection on the TWBC website, as well other residents objections

The most important issue is the effect this proposal will have on the area of Ancient Woodland known as "Workhouse Gill" situated to the north-west of the site. This application proposes a 15m buffer zone between the development and the woodland, but in the "Constraints" listed by TWBC it states that a +30m buffer zone is required.

Any buffer zone for Ancient Woodland should not be encroached upon by amenity space, and this application has encroached on its own proposed buffer zone in several places. Most concerning of all is that the proposed access road from Leybourne Dell is itself set inside the Ancient Woodland and therefore cannot be acceptable as access for the site. We are also extremely concerned to see that an area of Ancient Woodland has already been cleared around the proposed access, and that further clearance would be necessary to allow access for construction traffic, as well as emergency vehicles.

Notwithstanding this, TWBC require a +30m buffer zone, and this should be entirely free of any access road, driveways, garden boundaries or domestic paraphernalia. Therefore the application fails to comply with Policy EN13 of the current Local Plan. The almshouse development on the other side of Workhouse Gill has an agreed 50m buffer zone between the development and the Ancient Woodland.

We have also noted that the proposed access through Leybourne Dell does not link up with the public highway (see attached map taken from the KCC website), and would have to cross an area of hardstanding (not sure who owns this) currently used by residents of Leybourne Dell for parking.

We also agreed that the size and scale of the proposed dwellings would not conserve or enhance the landscape and scenic beauty of the AONB.

There are plenty of references in the application to the BNDP by the applicant as well as the objectors. I would advise as the Parish Council that we have a duty to look at the current application on its own merit, regardless of what has or has not been discussed about the site in the past.

**Propose to object.**

Further email received from Parishioner:

The title plan K836514 copy which shows in grey line the official/correct woodland line running from the approximate centre of the Pumping station enclosure (aligning with the portal OS Map & Natural England Map for Ancient woodlands)

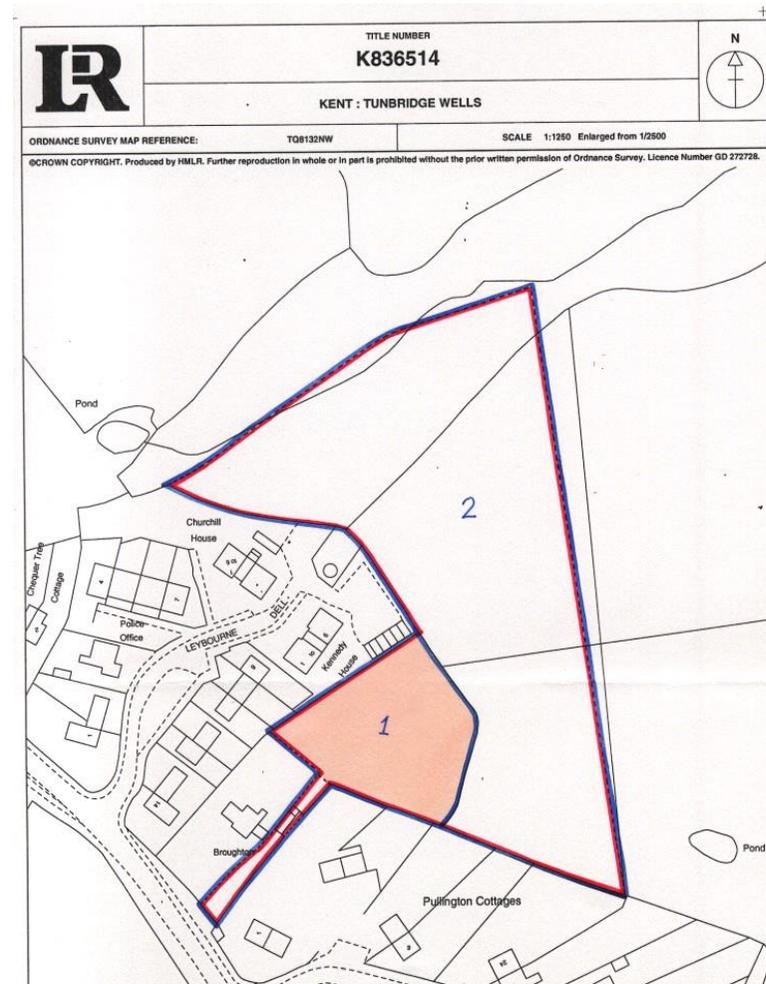
We would additionally query the red lined NE / East boundary line outlined on the current TWBC Portal OS Map on this Application Vs the applicants actual Title boundary on K836514 & Site 66 (HSA3 ISAs). The Applicant at this boundary side may perhaps extended plans/ layouts beyond the Title boundary, the HSA3 ISA page 'Site 66' garden boundary being more in line with the Title Plan.



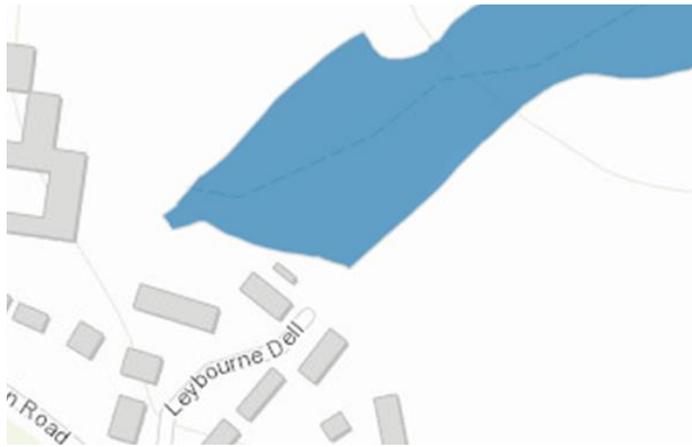
Application Portal Map



Site 66' HSA3 ISA

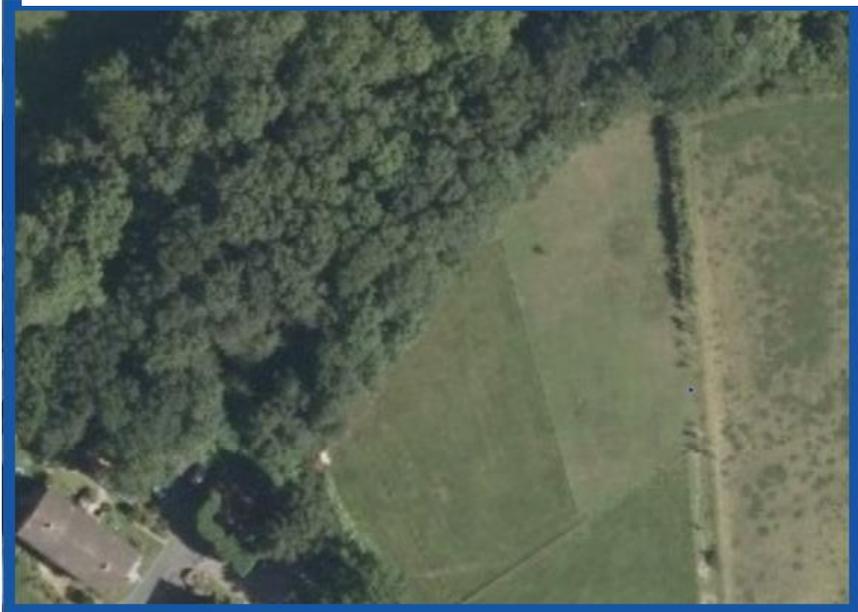


Title Plan K836514 (ancient woodland line depicted)



Natural England Woodland Map (from neighbour comments letter

*Aerial view 2008*



*highways map of Leybourne Dell*

