

Shipbourne
Borough Green And
Long Mill

561036 152211 20 March 2008

TM/08/01045/RD

Proposal: Details of acoustic fencing pursuant to condition 3 of planning permission TM/07/03880/FL: Use (part retrospective) of land and buildings for the training of horses, and the construction of an alternative means of access from Puttenden Road, and the erection of 3 x timber stables and feed store for keeping horses ancillary to the domestic use of Puttenden Manor

Location: Puttenden Manor Puttenden Road Shipbourne Tonbridge Kent TN11 9QY

Applicant: Broadlands

1. Description:

1.1 The application seeks to provide details required by a condition on the planning permission TM/07/03880/FL granted on 18 February 2008 for the training of horses, and the construction of an alternative means of access from Puttenden Road.

1.2 The relevant condition imposed on the planning permission is as follows:

3 *Notwithstanding the submitted siting details of the acoustic fencing, within one month of this planning permission, full details of the design, construction and position of the proposed acoustic fence and/or gates and landscape screening thereof shall be submitted for the approval of the Local Planning Authority, and the work shall be carried out in strict accordance with the approved details within 3 months of the approval of those details and shall be so retained thereafter.*

Reason: In the interests of neighbouring residential amenities.

1.3 In relation to condition 3, the details submitted show a new acoustic fence 2m high to run for 60m alongside the sand school, close to the southern side of an established hedge. The specification drawing submitted shows acoustic gravel boards partly buried in the ground and a tongue and groove arrangement of horizontal acoustic timber boards.

2. Reason for reporting to Committee:

2.1 The application deals with issues discussed at a Members Site Inspection.

3. The Site:

3.1 The site is associated with a Grade II listed dwelling known as Puttenden Manor.

- 3.2 It comprises a brick built stable block of 8 stables and a tack room/office and storage shed. This building is 70m south from the nearest neighbouring residential dwelling of Longacre House.
- 3.3 There is a sand school and a horse walker approx. 55m and 70m from Longacre House respectively.
- 3.4 Existing vehicular access is to Puttenden Road, close to its crossroads junction with Hamptons Road. This passes by Longacre House, the Old Stables and the Coach House (all converted farm buildings) and the host dwelling of Puttenden Manor itself.
- 3.5 The land to the south is downward sloping grazing land. There is an existing double width gated access to Puttenden Road. Either side of this access is a row of mature Horse Chestnuts set approx. 4-6m from the edge of the carriageway. There is a hawthorn hedge edging the roadside verge, the verge to the north of the access point being more banked.

4. Planning History (selected):

TM/92/10251/FUL Grant with conditions 22 May 1992

Erection of stable and creation of manege.

TM/93/00997/RM Grant with conditions 24 March 1993

Details of materials submitted pursuant to condition (ii) of permission TM/92/0307 (erection of stable and creation of manege)

TM/06/02415/FL Refuse 19 September 2006

Change of use (part retrospective) of land and buildings as Equine Training establishment, and use of 4 no. timber loose boxes for the stabling of horses in association with the use of Puttenden Manor as a dwelling, with access from Puttenden Road

TM/07/01128/FL Refuse 14 September 2007

Change of use (retrospective) of land and buildings for the training of horses, and the construction of an alternative means of access from Puttenden Road and erection of 3 timber stables and feed store for keeping horses ancillary to the domestic use of Puttenden Manor.

TM/07/03880/FL Approved 18 February 2008

Use (part retrospective) of land and buildings for the training of horses, and the construction of an alternative means of access from Puttenden Road, and the erection of 3 x timber stables and feed store for keeping horses ancillary to the domestic use of Puttenden Manor.

5. Consultees:

- 5.1 PC: Objection: TM/07/03880/FL was a highly contentious application. It was finally agreed by Committee to grant permission for the application only after a site meeting where the applicant's agents assured the Committee that everything in their power would be done to ameliorate the noise and disturbance caused to the adjacent residential amenity, in particular that of Long Acre House. This would be achieved in part by erecting an acoustic fence and gates opposite Long Acre House to screen the yard activity in addition to erecting an acoustic fence besides the manege. This arrangement was approved and the original site plan PM.04 submitted at this time clearly shows the position of this fence and gates stating "New gates and fencing 2m high to screen premises from residential neighbours and attenuate noise." Additionally, in the Design and Access Statement the agents stated that it would be acoustic fencing. In this application, TM/08/01045/RD, drawing No. PM.01a, shows no acoustic fencing or replacement gates opposite Long Acre House and in the letter from the agents they state that they wish to dispense with the acoustic fencing and gates. However, this fencing and the gates were considered by Borough Councillors to be an important measure that would ameliorate the noise and disturbance caused to Mrs Wilson's family at Long Acre House. As this fencing and the gates appear to be a condition of the original application, Shipbourne Parish Council think it is of major importance that high solid fencing – acoustic or otherwise - and solid gates are fitted parallel to the drive opposite Long Acre House, as per the original drawings, in the interests of residential amenity. Please note that Long Acre House is still not labelled on the drawing no PM.01a, although both The Coach House and The Old Stables are. This is a misleading omission as it appears that the gateway to the yard is not close to a house.
- 5.2 DHH: No objection.
- 5.3 Private Reps: site notice plus (15/1R/0X/0S): One objection has been received as follows : I would like to register my objection to the sudden new proposal to no longer construct a new gate and acoustic fencing alongside the existing access drive and to only limit the new fencing to the sand school. I would therefore like to make the following points: The design and access statement of TM/07/03880/FL and correspondence from Broadlands, dated 25th October 2007, proposed to screen the sand school **and** the stable yard from the residential properties along this access with a new acoustic fence – replacing the existing section of post and rail fence and gate adjacent to the existing access drive with this material. Please see drawing PM 04 submitted by Broadlands. This proposal formed part of the conditions upon which the planning permission was granted in February 2008. These conditions were placed on the permission to protect the residential amenity. The local resident who showed concerns about the visual impact **does not** live directly opposite the equestrian yard as I do. Seeing and hearing the constant activity relating from this business has a negative impact on the quality of my home life. I do not want to have to look at or hear this yard in full action. Due to

the activity in the yard it is difficult for me to let my dogs out as they bark at the activity and disturb the other residents. This can be from early morning to late at night. The originally planned fencing and gate would go a long way towards militating against this. The new proposal may seem like a minor adjustment, but to me, who is directly affected by this planning permission, it will have a major impact. Whilst I accept that for acoustic fencing to be effective it has to be near the source of the noise **I do not** accept the visual impact looking at this commercial yard has on me. It is totally unacceptable to change the plans after planning permission has been granted. The permission was 'hard won' and granted at Committee only after much consideration. Neither do I believe that this latest proposal conforms to condition 3.

6. Determining Issues:

- 6.1 The main issue is the absence of an acoustic fence on the northern boundary of the site (close to Long Acre House) in addition to the one proposed on the northern side of the sand school.
- 6.2 It is the case that 2 lines of acoustic fencing were included in the plans approved under ref TM/07/03880/FL. However, flexibility to vary that was expressly allowed by a suggested revised wording of condition 3 which was included in a supplementary report at the meeting of 13 February 2008. It is understood that this reflected Members' discussion at the Members Site Inspection that a balance may need to be struck between the need for acoustic mitigation against the visual impact of a 2m high solid timber fence.
- 6.3 In this respect Members are reminded that the current objector to the absence of acoustic fencing near to Long Acre House previously made the comment in relation to TM/07/03880/FL:
- "I am extremely concerned that the proposed acoustic fencing that will be 6 feet 6 inches high will have a terrible impact on my outlook from my house and garden. Furthermore it will be a serious blot on the landscape".*
- 6.4 Accordingly, the applicant has been asked to reinstate a 2m high fence and gates close to Long Acre House to serve as a visual screen not as an acoustic screen at this part of the site. It is envisaged that fences/gates of a rustic appearance (e.g. wattle) would be appropriate. The response of the applicant on this point will be included in a Supplementary Report.
- 6.5 It is appropriate to report this case to Members in the absence of a formal position from the applicant on the visual screen fence/gates in order to expedite a decision – this is in the interest of all parties. It is desirable in terms of neighbouring amenities that as prompt a decision as possible be made so that the implementation of the acoustic fence next to the sand school is not unduly delayed.

7. Recommendation:

7.1 TO BE CONFIRMED in the Supplementary Report.

Contact: Marion Geary