

**Stansted  
Downs**

**559573 163119 1 May 2012**

**TM/12/01290/FL**

Proposal: Diverted access road to permitted hotel on land to the west of South Ash Road. The relocation of the existing driving range on land to the east of South Ash Road. A European Tour Performance Institute (ETPI) driving range building. A 9 hole golf course created utilising the cut from the hotel development. Chipping area and putting green. An underpass under South Ash Road. Areas of hard standing including car parking and access road. Diverted public rights of way. Associated reservoir and landscaping

Location: The London Golf Club South Ash Manor South Ash Road Ash Sevenoaks Kent TN15 7EN

Applicant: London Golf Club

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### **1. Description:**

- 1.1 The application was originally reported to APC2 on 31 October 2012 and was deferred for a Members' Site Inspection. The MSI took place on 20 November 2012.
- 1.2 A full report was provided to Members at the APC2 in October: this report is attached as **Annex**. This report focuses on the matters raised at the MSI and in subsequent correspondence received by the LPA.
- 1.3 Subsequent to the MSI, the applicant has submitted further drawings indicating the existing and proposed topography of the site, including a long cross-section through the site from south to north.

### **2. Reason for reporting to Committee:**

- 2.1 The application is reported to Committee following its deferment from the APC2 in October 2012 for a MSI. The application was originally reported to that Committee as it is locally controversial.

### **3. Consultees:**

- 3.1 Since the reporting of the application to A2PC in October 2012 APC2, four further representations have been received: two representations have been received from the occupier of the same property. These representations:
  - express concern that the proposed planting includes a large amount of heathland species;
  - request that the soft landscaping scheme includes the provision of a native hedgerow along the southern boundary of the land to the east of Ash Lane/South Ash Road;

- reiterate previously stated concerns regarding the impact on residential amenity through the location of the tee to the 5<sup>th</sup> hole of the proposed 9 hole course;
- express concern about the safety of horse riders using Byway MR200, which runs along the eastern side of the site, as a result of golf balls hitting riders, unexpected noise and horses treading on golf balls;
- express concern in relation to highway safety (particularly in terms of the safety of horse riders using the public highway) through the hosting of additional large scale golf tournaments, including the use of a one-way system.

#### **4. Determining Issues:**

##### Topography of the site and impact of proposed building on character of the area

- 4.1 The topographical plans now available include Dwg No.1239.411.02 (submitted on 28 November 2012) which indicates the existing and proposed topography of the site through a cross-section that shows more clearly the actual relative levels across the site at a scale that is “true” both horizontally and vertically. This enables more readily an appreciation of the changes that are proposed, and of how the proposed development will sit within the landscape.
- 4.2 The driving range building would be located to the north of the existing tree belt which runs across the site from west to east. It has been designed so that the more southerly elevation is lower (3.4m) than the more northerly elevation (5m): a landscaped bund would be positioned immediately to the south/south west of (i.e. perpendicularly to) the building, so when viewed from the south the building would appear to slope relatively gently out of the ground.
- 4.3 I have reviewed the topography of the site again following the MSI, including the shallow ridge which runs across the centre of the site and the position of the tree belt, together with the design and siting of the proposed driving range building. I have noted the comments expressed by occupiers of properties to the south of the application site, but remain of the opinion that the building will be largely screened from view from these properties and has been designed so that it will not appear incongruous within the landscape. In reaching this conclusion I have taken particular note of the distances involved – the driving range building is approximately 1000m (1km) away from the properties on the south side of Hatham Green Lane – and the height of the building as specified above in 4.2.
- 4.4 It has always been accepted that the proposed 9-hole golf course will be visible from these residential properties and publicly accessible land. As explained in the report to APC2 in October 2012 at paragraphs 6.24, 6.25, 3.26 and 6.28, I consider that whilst heathland vegetation (including gorse) is not a common landscape feature in north-west Kent, it would not be incongruous. The applicants

have provided an indicative plan which demonstrates that it would be possible to incorporate a native hedgerow to the southern boundary of the application site, adjacent to the small paddock which bounds Hatham Green Road – this may be secured by condition.

- 4.5 I have therefore recommended Condition 5 which would secure the implementation of the landscaping scheme which has been submitted as part of the application, whilst providing sufficient flexibility to allow changes to the scheme to address particular matters such as the incorporation of a hedgerow in this location (together with any amendments to the scheme which may be required in order to address the current issues with the possible disease of ash trees).

#### Residential amenity

- 4.6 Members were advised of my conclusions in respect of the impact on residential amenity (particularly in relation to Harvest Cottage) at paragraphs 6.39 and 6.40 of the report to APC2 in October 2012. The applicants advise that the minimum time between people teeing off at individual holes of the 9-hole golf course is approximately 10 minutes. The applicants have also advised that, taking into account the likely standard of players who would potentially use the 9-hole course (including those of a lower standard than would typically play the 18-hole courses), due to the length of the 5<sup>th</sup> “hole” the majority of players would use an “iron” club, although some may use a “driver”. It is understood that the noise of an “iron” club striking a golf ball is considerably quieter than the noise from a “driver”.
- 4.7 I remain of the opinion that whilst the occupiers of Harvest Cottage may be aware of people at the tee to the 5<sup>th</sup> hole whilst in the rear garden of this property, people will only be at this point intermittently and the distances from the dwelling are such that the impact of this will not be materially harmful to residential amenity.

#### Safety of users of adjacent PROW

- 4.8 I have set out my considerations regarding the safety of users of adjacent PROWs at paragraphs 6.36 – 6.38 of the report to APC2 in October 2012, including my conclusions that the potential risk of “spooking” of horses through unexpected noises is not likely to be sufficiently greater from the proposed development than from other noises and activities within rural areas such as to warrant refusal.
- 4.9 I would remind Members that the Kent County Council PROW Officer has made no objection to the proposal.
- 4.10 The applicants have confirmed that they would be willing to undertake a regular visual inspection of the adjacent PROW for stray golf balls: Members may wish to attach a Condition to any grant of planning permission to secure this (recommended Condition 17).

### Highways Safety

- 4.11 I have noted the comments submitted in the representations received after the MSI in respect of the safety of horse riders at times when the golf course hosts tournaments. I would advise Members that the hosting of such events is relatively infrequent and the proposed development would still facilitate the use of the application site (including the existing driving range area) for the parking of cars at such times; as detailed in the report to APC2 in October 2012, KHS specifically considered the hosting of major events and has not raised an objection on highways grounds.
- 4.12 However, having reviewed the concerns expressed in the recently received representations, and the matters raised at the MSI, while such considerations are not determinative of this case, I am recommending an Informative encouraging the applicants to advise neighbouring properties of forthcoming major events and the proposed traffic management arrangements, so that the occupiers of these properties are well informed.

### Conclusion

- 4.13 I have had careful regard to the comments set out in the representations received since the MSI: I remain of the opinion that the proposal accords with the relevant national and adopted Development Plan policy and accordingly have again recommended that planning permission be granted for the proposed development, although I have recommended one additional condition (Condition 17).

## **5. Recommendation:**

- 5.1 **Grant Planning Permission** 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.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The golf driving range and 9-hole golf course shall only be available to members of the London Golf Club and shall not be operated as a public "pay and play" facility at any time.

Reason: The application was assessed on the basis of the information provided, having regard to highway safety in accordance with Tonbridge and Malling Borough Core Strategy Policy SQ8 and paragraphs 32 and 35 of the National Planning Policy Framework.

3. No development shall take place until written details and photographs of all materials to be used externally in the construction of the building have been submitted to and approved by the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

4. The materials to be used in the surfacing of the vehicular access roads, car park and other areas of hard surfacing shall be undertaken in accordance with approved plans Dwg No. 054124-3200 (Hard Materials General Arrangement) and Dwg No. 054124-3210 (Hard Landscape Palette) unless otherwise agreed in writing with the Local Planning Authority. The surfacing shall be undertaken in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the existing building in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

5. The landscaping and planting of the site shall be undertaken in accordance with the following approved plans, unless otherwise agreed in writing:

- Dwg No. 054124-3100 Boundary Planting Schedule;
- Dwg No. 054124-3101 Boundary Planting Plan 1 of 4;
- Dwg No. 054124-3102 Boundary Planting Plan 2 of 4;
- Dwg No. 054124-3103 Boundary Planting Plan 3 of 4;
- Dwg No. 054124-3104 Boundary Planting Plan 4 of 4;
- Dwg No. 054124-3105 Planting Schedule;
- Dwg No. 054124-3106 Planting Plan 1 of 3;
- Dwg No. 054124-3107 Planting Plan 2 of 3;
- Dwg No. 054124-3108 Planting Plan 3 of 3;
- Dwg No. 054124-3110 Soft Landscape Palette 1 of 4;
- Dwg No. 054124-3111 Soft Landscape Palette 2 of 4;
- Dwg No. 054124-3112 Soft Landscape Palette 3 of 4;
- Dwg No. 054124-3113 Soft Landscape Palette 4 of 4.

The landscaping and planting shall be undertaken in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs removed, dying, being seriously damaged or diseased within 10 years of

planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

6. The development hereby permitted shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping and planting scheme by undertaking the measures set out at Section 4 and indicated on plan SJA TPP 12025-01 in the Arboricultural Implications Report dated April 2012 (Ref SJA air 12025-01).

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

7. No development shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with paragraph 99 of the National Planning Policy Framework (2012).

8. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking and turning space has been surfaced in accordance with Condition 4 and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the use on the highway network and the requirements of Policy SQ8 of the Managing Development and the Environment Development Plan Document and paragraphs 32 and 35 of the National Planning Policy Framework (2012).

9. The levels of the development hereby permitted shall be undertaken in accordance with approved plans Dwg No. 1239.405.03 Proposed Topography and Dwg No. 054124-3300 Masterplan Detail Area Levels Strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the proposal on the character of the area and Metropolitan Green Belt in accordance with Policies CP1, CP3 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58, 61, 79, 80, 87 and 90 of the National Planning Policy Framework (2012).

10. No development shall take place until the applicants have secured the necessary consents from the Highway Authority in respect of:

- the temporary signalised plant crossing of Ash Lane/South Ash Road, and;
- the temporary diversion of Ash Lane/South Ash Road.

Reason: In the interests of highway safety in accordance with Policy SQ8 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraph 32 of the National Planning Policy Framework (2012).

11. No development shall be commenced until details of the construction of the underpass have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

12. None of the driving range, driving range building or golf course shall be first brought into use until details have been submitted to and approved by the Local Planning Authority of the planting and landscaping to reinstate the hedgerows, other vegetation and boundaries of the site adjacent to Ash Lane/South Ash Road following the completion of:

- temporary signalised plant crossing;
- temporary diversion of Ash Lane/South Ash Road;
- construction of the underpass.

The planting and landscaping shall be undertaken in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: To ensure that the development does not harm the character of the area in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58 and 61 of the National Planning Policy Framework (2012).

13. There shall be no lighting of the application site at any time and no lighting shall be installed in the car park or on the building hereby permitted at any time.

Reason: The proposal was determined on the basis of the information provided as part of the application, having regard to the impact of the proposal on the character of the area and Metropolitan Green Belt in accordance with Policies CP1, CP3 and CP24 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and paragraphs 57, 58, 61, 79, 80, 87 and 90 of the National Planning Policy Framework (2012).

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape recording work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of historic landscape interest are properly examined and recorded in accordance with paragraph 141 of the National Planning Policy Framework (2012).

15. The precautionary mitigation and enhancement measures for dormice, badgers, nesting birds, hedgehogs, common toads and bats as set out in the following documents shall be undertaken prior to and during the undertaking of the construction (as applicable to each measure as set out in the documents) and shall be maintained as such thereafter (as applicable to each measure as set out in the documents):

- Mitigation and Enhancement Report ref 2265/R05 received on 27.07.2012, and;
- Bat Survey Report ref 2265/R06 received on 20.08.2012.

Reason: in order to protect and enhance biodiversity in accordance with Policy NE3 of the Tonbridge and Malling Borough Managing Development and the Environment Development Management Document and paragraphs 109 and 118 of the National Planning Policy Framework (2012).

16. Prior to the commencement of development, details of a long-term biodiversity and landscape management and maintenance regime for the site shall be submitted to and approved in writing by the Local Planning Authority. Management and maintenance of the site will be undertaken in accordance with the approved details.



Reason: in order to protect and enhance biodiversity in accordance with Policy NE3 of the Tonbridge and Malling Borough Managing Development and the Environment Development Management Document and paragraphs 109 and 118 of the National Planning Policy Framework (2012).

17. Prior to the first use of the development hereby permitted, a regime for the regular inspection and removal of stray golf balls from the Public Rights of Way which run through or adjacent to the site shall be submitted to the Local Planning Authority and approved in writing. The regime shall thereafter be undertaken in accordance with the approved details.

Reason: In order to safeguard the safety of users of the adjacent Public Rights of Way to the site in accordance with paragraph 35 of the National Planning Policy Framework.

### **Informatives**

1. The applicants are advised to have regard to the comments made by the Environment Agency in preparing the drainage details pursuant to Condition 7.
2. The applicants are advised that in addition to the requirements of approval of details under Conditions 11 and 12 from the Local Planning Authority, consent will also be required from the Highway Authority. The applicants are advised of the need to liaise closely with both Authorities when preparing these details.
3. The applicant is encouraged to develop a scheme to ensure that local residents are informed well in advance of forthcoming major events and the associated traffic management measures.

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