

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**14 August 2013**

**Report of the Director of Central Services**

**Part 1- Public**

**For Recommendation to Council**

**1 DIVERSION OF RESTRICTED BYWAY MR221A, LONDON GOLF CLUB, SOUTH ASH MANOR, ASH**

**1.1** An application has been received from the London Golf Club to divert Restricted Byway MR221A, shown as A – B on the attached plan, to a new line shown as C – D on the attached plan, in connection with a planning permission granted under reference TM/12/01290/FL to relocate an existing practice facility and access road to a previously permitted hotel development, to provide a new practice facility building and 9 hole golf course and underpass to South Ash Road at London Golf Club, South Ash Manor, Ash.

**1.1.1 Background to the application**

**1.1.2** Planning permission was previously granted under reference TM/09/03149/FL for a 130 bed hotel on land to the south of the existing Club House and practice facility at the London Golf Club. The Golf Club wishes to re-route the approved vehicular access to the hotel as it currently runs in between the first hole of the Heritage golf course to the west and the practice facility to the east. This presents a safety risk for those using the access and the road is proposed to be re-routed across the existing practice facility to the east of the Club House as part of the planning permission granted under reference TM/12/01290/FL.

**1.1.3** The re-routing of the hotel access road will render the existing practice facility substantially unusable and so it is proposed to relocate it to the northern section of land on the eastern side of South Ash Road. In addition a 9 hole, short play course, chipping green and practice green is proposed in order to complement the existing 36 hole provision at the Club and is proposed to be located south of the new practice facility. The practice facility and 9 hole golf course would be operated as a complimentary facility to the two existing 18 hole courses at the London Golf Club with the 9 hole golf course providing a more accessible course for beginners, juniors, existing members and hotel residents being a short and less challenging course. As there will be a significant element of the Golf Club's facilities located on the eastern side of South Ash Road, a new underpass is proposed to provide pedestrians and golf buggies safe access under the road.

- 1.1.4 It is also proposed to divert the most easterly part of Footpath SD257 (within Sevenoaks District Council's area) that runs to the south of the existing Club House in a north-easterly direction to South Ash Road. It is proposed to divert the section shown as E-F on the attached plan to run from the south of the Club House, eastwards through the underpass under South Ash Road to meet up with the diverted restricted Byway (shown as points E-G on the attached plan). This diversion will provide a safer route for Footpath users, preventing them from needing to walk along South Ash Road where there are no footways in order to join up with the public rights of way network.
- 1.1.5 Whilst the Borough Council is able to deal with the application to divert Restricted Byway MR221A using the provisions of section 257 of the Town and Country Planning Act 1990, it does not have jurisdiction to deal with the related diversion to Footpath SD 257, which will need to be progressed under the provisions of the Highways Act 1980. Furthermore, both applications, the consultation process, the Order making procedures and confirmation of the bringing into effect of the new rights of way will need to be synchronised.
- 1.1.6 Due to the complexities of having two applications running simultaneously under different legislation the matter has been discussed informally with the Kent County Council Public Rights of Way team and it is proposed that the County Council oversee the applications and consultation process on this occasion. The Order in respect of MR221A will be drafted by the County Council but sealed by this Authority after the informal consultation period has been completed.

## **1.2 Legal Implications**

- 1.2.1 None

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 The costs incurred by the Kent County Council will be recovered from the London Golf Club and there will be no cost to the Borough Council.

## **1.4 Risk Assessment**

- 1.4.1 The proposed diversions are considered to be necessary to allow the development proposed in application TM/12/01290/FL to be implemented and to pose acceptable changes that will improve the public rights of way network in this location

## **1.5 Equality Impact Assessment**

- 1.5.1 See 'Screening for equality impacts' table at end of report

## **1.6 Recommendations**

1.6.1 Members are asked to **RECOMMEND** to Council that approval be given to:-

- 1) the making and advertising of a Diversion Order under the provisions of section 257 of the Town and Country Planning Act 1990;
- 2) the confirmation of the Order, if unopposed; or
- 3) referral of the Order to the Secretary of State for Communities and Local Government for determination if any objections are sustained.

Background papers: Correspondence file TM-H1-2

contact: Cliff Cochrane

**Adrian Stanfield**

Director of Central Services

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	N/A	N/A
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	N/A
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*