



Delegated Report

Application No:	20230993
Location:	Land Adjacent and To The Rear Of Norwood Farm House, Norwood Lane, Meopham DA13 0YF
Description:	Application for the approval of condition 8 attached to planning permission 20200206 relating to details of the hard and soft landscaping and boundary treatments.
Applicant:	Mr B Kirrage

Submitted Documents/Plans

Application form
Drawing no. 2238-10 rev A (proposed landscaping plan)
Drawing no. 2238-09 rev A (proposed dwelling)

Relevant Planning History

20200206 Land Adjacent To And At The Rear Of Norwood Farm House,
Norwood Lane, Meopham

Approved 5 June 2020

Consultations, Publicity and Representations

As this is an application for a discharge of condition there is no requirement to advertise. Nevertheless a neighbour has written in objecting to the application:

The applicants have submitted an incorrect Block Plan in relation to the sight lines and access to the property and an incorrect tree count where they have ignored the original tree survey linked to the decision notice of 5 June 2020.

1 Sight lines and access

- a. Condition 8 states that: The scheme shall incorporate pedestrian vision splays of 2.0m x 2.0m on both sides of the vehicular access points and no obstruction of sight more than 0.6m above carriageway level.
- b. The Applicant does not own or have any access or rights of access to part of the area they are claiming is required for their exit from the property and for the pedestrian visibility splays.
- c. The vision splays on the Block Plan indicate an exit and entry point which is on the Barnsfield property. The Applicant has no right of access to the Barnsfield property. They are misleading the planners with their Block Plan by falsely claiming access and visibility over a property that they

have no rights or control over.

d. Part of their proposed access is under Barnsfield ownership and the applicant cannot assume the visibility they are claiming for pedestrians. They have put a pedestrian visibility splay on the Barnsfield land which they cannot control.

e. There is a post / obstruction on the Barnsfield property at the edge of the boundary between Barnsfield and the Applicant's property. This is more than 0.6m above carriageway level which prohibits condition 8 being met.

f. As a point of note, the siting of the post would make it impossible for the applicant to exit the property in the way they are suggesting on the Block Plan.

g. We have attached photographs to provide further evidence of the false claims by email

h. Whilst not referred to in condition 8, the applicant's site lines for highway visibility are also incorrectly drawn and the presence of a large hedge restricts the visibility they are claiming - photographs attached to illustrate on associated email

i. We have repeatedly expressed our concerns about this and Applicant does not have visibility access over the Barnsfield property and that the hedge of over 2m high obstructs the highway visibility.

2 Tree Count - the planting shall include two trees for every tree lost to the development

a. With regard to the planting of trees, there are 16 trees on the tree survey with the original approval. With only 10 original trees remaining the applicant should be replacing the 6 lost trees with 12 new trees and not just replacing the two new proposed losses in their landscape plan with 4 trees in their request for the removal of condition 8.

I expect our comments and evidence to be taken into account in your review of their application for approval of Condition 8 and that the condition has not been met.

Additionally, I would expect the planning department to take seriously the false claims and false declaration that have been made by the applicant over access and visibility as well as their omission of trees they had already removed from the site and not replaced in accordance with condition 8.

GBC Highways Officer

First, the access exists and the increase in vehicle movements would not be considered to be significant. If it were unsafe to permit an additional dwelling, it would be unsafe to use the access and the highway authority would need to consider stopping it up for all properties. Section 124 of the Highways Act 1980.

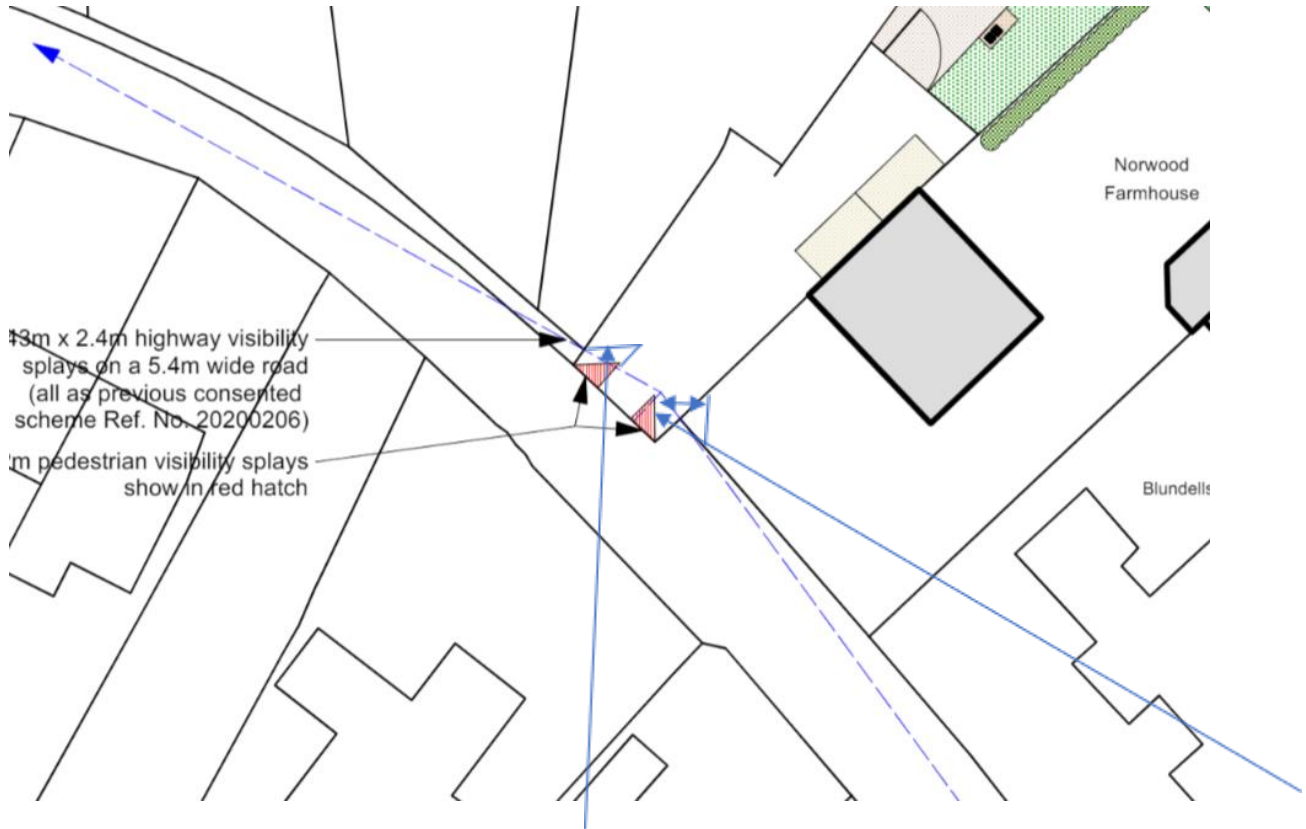
<https://www.legislation.gov.uk/ukpga/1980/66/part/VIII/crossheading/stopping-up-of-means-of-access-to-highways>

124 Stopping up of private access to highways.

(1) Subject to subsection (3) below, where the highway authority for a highway consider that a private means of access from the highway to any premises is likely to cause danger to, or to interfere unreasonably with, traffic on the highway, they may be authorised by an order made in accordance with this section to stop up the means of access.

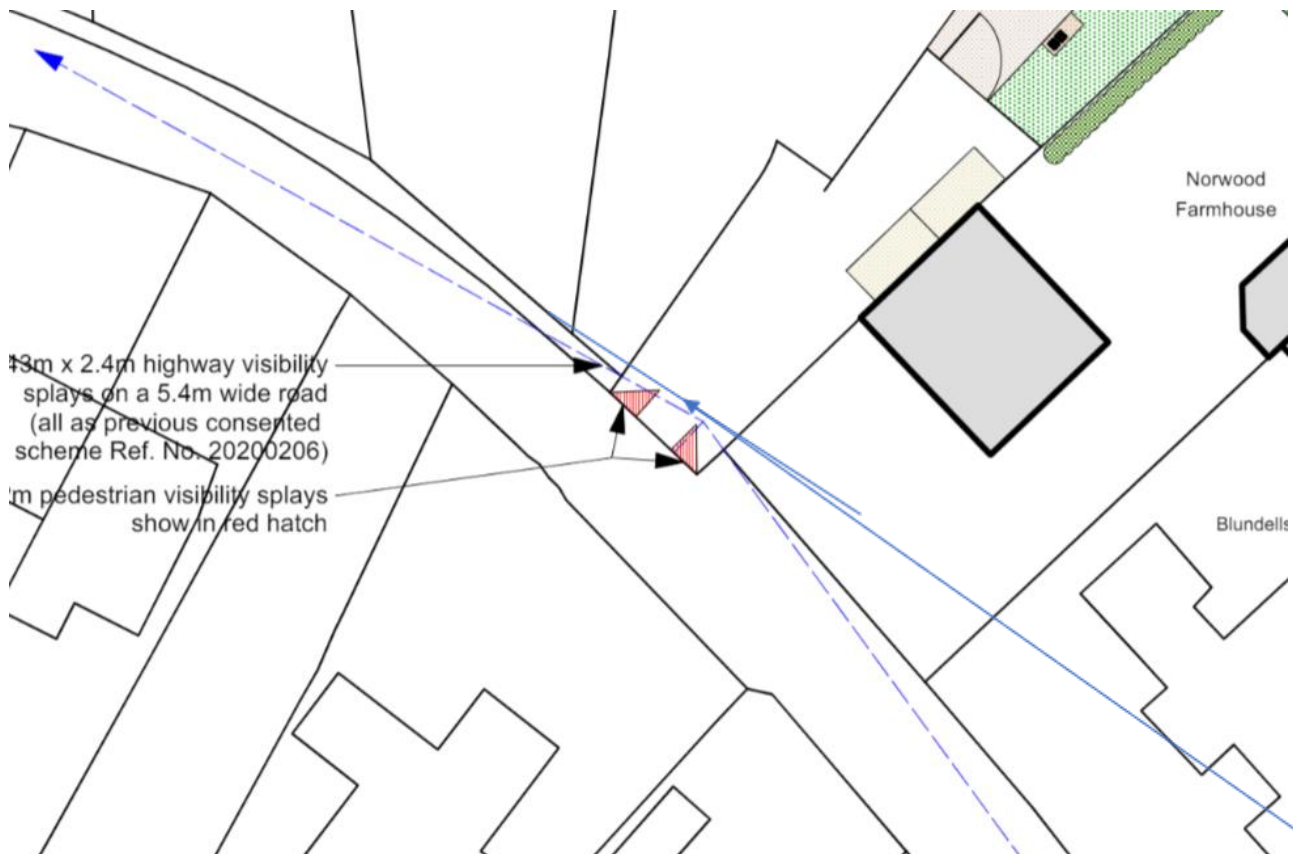
Obviously, there is more to it than suggested under the above extract, but the rest of the section provides more information.

Second Pedestrian Visibility Splays, it is common for visibility splays to cross third party land, and generally if this land is unlikely to be built on or substantially landscaped, the matter of land ownership is not usually considered. Here a car centrally placed on the driveway would appear to have the necessary sightlines within the width of the drive. But it should be measured from the centre of the drive that the applicant has a right to use. Here there is a discrepancy as the drawing shows a displaced centre line, assuming the full drive width is not available to the occupiers of the property due to land ownership issues, which alters the pedestrian sight line requirements.



Pedestrian sight line should be moved to fence line separating Norwood Farm from the access.
Pedestrian sight line adjusted to suit verge

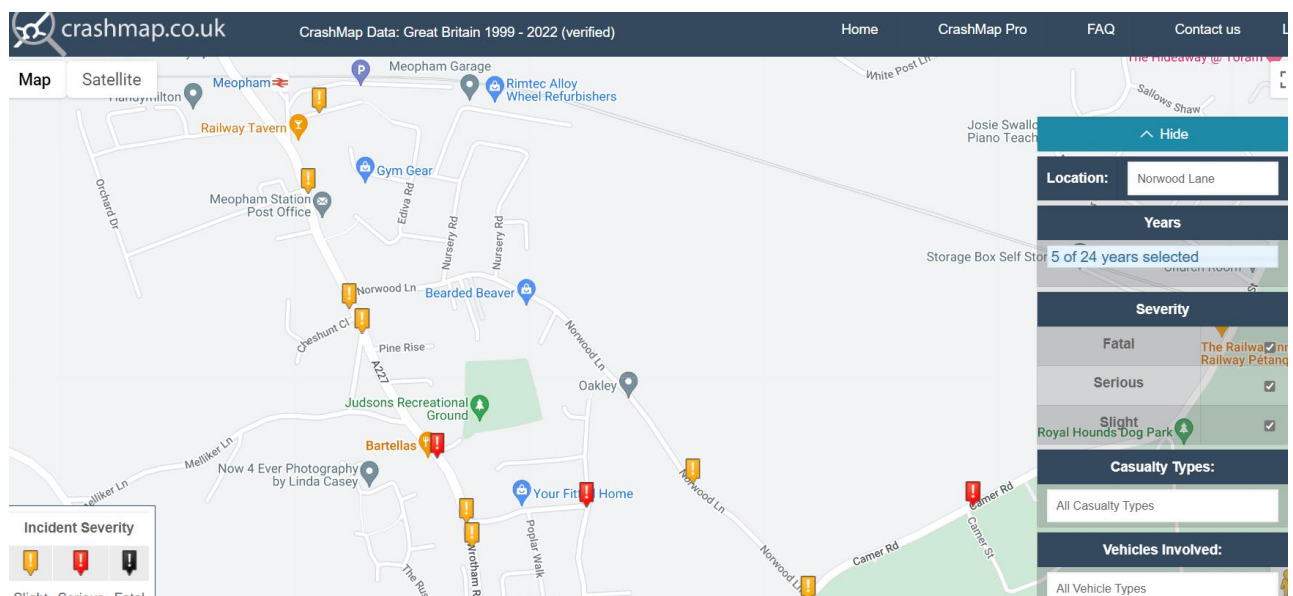
Third vehicle visibility splays are 43m x 2.4m x 43m are suitable for a 30mph limit and measured along the nearside kerb or the tangent point on the outside of the curve, insuring there is adequate visibility beyond.



Vehicle sight line requirement.

As can be seen the vehicular sight line appears to just clip the boundary treatment of the neighbouring property. But this also restricts the visibility for Barnsfield, as does the utility and traffic sign poles. It is impossible to plot the sight line in the other direction as the footway is not plotted, but as it is an existing access without an accident/crash record, it would be impossible to contest its use by one additional dwelling.

Looking at Crashmap.co.uk there are recorded vehicle crashes in the immediate vicinity of the access.



So, given we are dealing with an existing access, used by two properties, the addition of a third dwelling could not be considered to be a significant increase in vehicle movements. Sight lines may not conform exactly to current highway guidance, (understood to be under review) but given the existing situation, there is no argument the access is unsafe as there is no supporting evidence. If the imposition of the visibility splays went to appeal, it would be very unlikely the Inspector would agree with the Council as we have no evidence of a problem and paragraph 115 of the National Planning Policy Framework states:

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Analysis

Condition 8 of 20200206 states:

8. Within three months of the development commencing a plan shall be submitted to the Local Planning Authority for approval showing a scheme of landscaping (hard and soft) and boundary treatment.

The scheme shall incorporate pedestrian vision splays of 2.0m x 2.0m on both sides of the vehicular access points and no obstruction of sight more than 0.6m above carriageway level. The planting shall include two trees for every tree lost to the development.

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy CS11 of the Core Strategy 2014 and in order to protect and enhance the appearance and character of the site and locality in accordance with Local Plan: Core Strategy Policy CS19 and paragraph 127 of the National Planning Policy Framework 2019.

The applicant has submitted the following plan:



Signed: 	Signed: <i>R Hart</i>
Dated: 23 January 2024	Dated: 23 rd January 2024