

SHIPBOURNE PARISH COUNCIL**MEETING HELD AT THE VILLAGE HALL ON
MONDAY 14TH MAY 2007 AT 7.30 PM**

Present: Mr Martin Miles, Mr Mark Beadle, Mrs Libby Cohen, Mr Stephen Davis, Mrs Susan Lee, Miss Lynette Sargent, Mr James Sheldrick, Mr Curtis Galbraith (Clerk)

Prior to commencing the formal business of the council, members met with PC Anthony Wiles. He advised that his section was now called the Neighbourhood Policing Unit and an overseeing Sergeant was resident in Borough Green. Members discussed the implementation of the speed restriction scheme and the parking issues around the A227 junction with Upper Green Road. PC Wiles said he was doing what he could regarding the parking but unless dangerous parking occurred it was firmly the responsibility of TMBC. He thought some instances of dangerous parking on the pavement had recently been dealt with by Police action.

1. Apologies for Absence

Councillors David Evans and Sue Murray

2. Business of the New Council

The Clerk welcomed everyone to this new council's four year term. Members signed individual Declarations of Acceptance of Office, countersigned by the Clerk and accepted individual Declarations of Interest forms for completion and return to TMBC.

Cllr Lynette Sargent proposed Cllr Martin Miles as Chairman, seconded by Cllr Libby Cohen and Cllr Miles said he was happy to continue as Chairman but would like the situation reviewed after one year. The Clerk expressed his thanks to Cllr Miles for accepting the Chairman's role again.

Cllr James Sheldrick proposed Cllr Lynette Sargent as Vice-Chairman, seconded by Cllr Steve Davis. Cllr Sargent accepted.

It was agreed that the same sub-committees should remain and it was agreed that the Planning Sub-Committee should comprise of Cllrs Cohen and Davis and the Finance Sub-Committee of Cllrs Beadle and Miles (with the Clerk).

Following an email from Alan Bristow offering to stand down, it was unanimously agreed that the council wished Alan to continue as Chairman of the Rights of Way Sub-Committee and with the assistance of the Clerk, remain as the Emergency Plan coordinator. Cllrs Lee and Sheldrick would join the RoW Sub-Committee as would the Clerk.

Cllr Lee asked whether the parish council had representation on the board of Governors of Shipbourne School. It did not. It was proposed that Cllr Lee could fulfil this role and she agreed for the term of one year. The Clerk will make contact with the board of Governors to establish a way forward.

The Chairman, on behalf of all members, thanked Nick Giles and Rachel Simpson for their service during the last term. The Clerk was asked to write to formally express those sentiments.

The Clerk explained that a new code of conduct – The Local Authorities (Model Code of Conduct) Order 2007 – had been introduced from 3rd May. The council needed to adopt this within six months although not all sections were relevant to parish councils. The Clerk said he would email a copy (or web link) of this and the previous adopted code of conduct and members agreed to revisit the topic for discussion and agreement at the June meeting.

With regard to the HSBC Bank Mandate, the Clerk was instructed to write to the Tonbridge branch to remove ex-Cllrs Giles and Simpson from the mandate.

3. Minutes of Previous Meeting

The draft minutes of April were agreed by the council and signed by the Chairman.

4. Borough & County Councillors Reports

None

5. Questions from the Public

None

6. Matters Arising

None

7. Finance

The Clerk handed out copies of the monthly financial statement. The bank balances at 30th April were c/a £ 173.11, d/a £ 10578.46. No payments were required to be made. The first payment of the Precept (£1816.50) and the first payment of the Grant (£2407.00) had been received from TMBC increasing the d/a balance to £14801.96.

£5.00 had been received from The Fairlawne Estate as required to assist in the winding up of the John Swan Charity. Nick Giles had agreed to continue dealing with this matter and it was understood he was writing to the Charity Commission to conclude the process.

The Finance Sub-Committee will meet to conclude the affairs of the previous financial year and the budget for the new year will be confirmed. It would be necessary to list projected items of capital expenditure as discussed last year with the Internal Auditor. The Village Hall Management Committee will be asked to prepare a schedule of works and redecorations required at the hall.

8. Roads / A227

It was thought by some members that some of the sign posts of the new speed scheme were definitely too tall. Correspondence from Kent Highways indicated that they were acceptable and to specification. The Clerk agreed to check to establish the standards or guidelines for traffic signing in Conservation Areas and if a material difference existed then the council would decide whether further discussion with KCC would be appropriate. KCC will also be reminded that some signs, particularly the school and crossroads signs on the northbound entry to the village, are obscured by trees and undergrowth.

9. Commons

The Chairman confirmed the outcome of the meeting held between the parish council and board members of The Fairlawne Estate regarding the lay-by. The lay-by would be surfaced by The Estate in appropriate materials to enable regularised and safe parking of visiting cars. Preliminary work to remove ruts had commenced and it was hoped that the area would be surfaced by the end of June. The Estate would bear the total cost of the work and it was agreed to write to The Estate to express the appreciation of the council. *Cllr. Sheldrick declared a personal interest in this item by connection of employment.*

The council discussed the situation with regard to the mowing of Dunks Green Common and the Churchyard. The contractor had informed the council on 10th April that he wished to opt out of the job and the Clerk was asked by Cllr Lee to give a resumé of the situation. As an emergency measure, and following complaints about the length of the grass, another local contractor had been asked to mow and clear the Churchyard and Dunks Green on a 'one-off' basis. The Clerk had contacted him and obtained a guide price which had been circulated by email and following dialogue between Cllrs Miles and Sheldrick, the Chairman had instructed Estate & Field Management to carry out the work. Cllrs Cohen and Sheldrick agreed to take the matter forward by simplifying the schedule. Cllr Cohen thought it best practice to obtain three quotations against tender for the work, which everyone agreed would be sought. The tenders would include an agreed specification and other conditions and The Clerk was asked to email the current specification to them. It was also agreed that a repeat cut would be necessary within the next two weeks and Estate & Field Management would be asked to carry out this work.

Cllr Lee said that she was unhappy in general about decisions being taken by email and thought that all decisions should be taken at meetings with additional 'emergency' meetings held if decisions needed to be taken in between times. She also thought it inappropriate as one member did not have access to email and was therefore excluded from the process. The Clerk said that in his opinion it was not possible or desirable to conduct parish council affairs without email and queried Cllr Lee's use of receipt of 'random emails' and agreed with Cllr Beadle and Davis that it would not be feasible or desirable to hold additional meetings to agree routine affairs. Cllr Beadle said that he was confident that email was used correctly and appropriately. It was agreed to place the matter on the agenda for further discussion at the June meeting. The Chairman accepted that perhaps the council did need to review the way Cllr Sargent was informed although as Cllr Cohen pointed out Cllr Sargent had been 'off the scene' for some months as she had been recuperating from two operations. He also said that the decision to appoint a contractor to mow had been justified and taken out of necessity and in the light of the information that had been circulated. The Clerk said that in future he will ensure that Cllr Sargent receives hard copies of parish council emails although he still doubted that this was an efficient way of dealing with the situation.

10. Planning – decisions, applications, enforcement and other issues

a) Tonbridge & Malling Borough Council decisions:

1. TM/06/04050/FL Fairhill, Riding Lane Hildenborough, TN11 9QL
Proposal: *Extension, garage with flat over and internal alterations*
TMBC Decision: Permission Granted with Conditions
2. TM/06/04051/LB Fairhill, Riding Lane Hildenborough, TN11 9QL

Proposal: *Listed Building Application: Extension, garage with flat over and internal alterations*: TMBC Decision: Listed Building Consent Granted with Conditions

b) Planning Applications:

In order of receipt. Declarations of interest as individually noted.

1. TM/07/01198/FL The Lodge, Stumble Hill, Shipbourne, TN11 9PB
 Proposal: *Proposed double garage to replace existing single garage. Proposed chimney and proposed vertical tiling to gables*
 Note: The council awaits a copy of the required applicants' "Design and Access Statement" from TMBC. The application was invalid without it and a view would be formed after its receipt.

2. TM/07/01202/TNCA Collins Cottage, Upper Green Road, Shipbourne
 Proposal: *35-40% reduction in canopy of existing Ash tree to front of property*
 View: "No Objection"

3. TM/07/01229/EL 1 & 2 Springhill Cottages, Tonbridge Road, Shipbourne
 Proposal: *Proposed overhead line at Springhill Cottages*
 View: View – "If the application is to replace a short section of existing line then the parish council has no objection provided it is not feasible to install this section of line underground. The parish council would prefer all new installations where possible to be routed underground. *Cllr. Sheldrick declared a personal interest in this item by connection of employment.*

4. TM/07/01128/FL Puttenden Manor, Shipbourne.
 Proposal: *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.*
 View: (Already Submitted):

The site is Metropolitan Green Belt, in an Area of Outstanding Natural Beauty, a Special Landscape Area and abuts a Site of Nature Conservation Importance. Puttenden Manor, its grounds and outbuildings are listed Grade II. Planning permission was granted in 1992 for the erection of stables and the creation of a ménage to replace the original stables that had been converted to residential use. The permission for the stables and ménage was granted solely and specifically for the private stabling of a maximum of eight horses by the owner of Puttenden Manor and not for commercial stabling. A previous application for permission for commercial use has been refused.

Shipbourne Parish Council *strongly objects* to the application and any commercial use of the site for the following material grounds and reasons:

1. The proposed change of use of the site (retrospective) to commercial use is contrary to all policies that apply to the above: Policy 3/5.3 states that within Areas of Outstanding Natural Beauty commercial development will not be permitted unless there is a proven national interest or lack of alternative sites

a. There is no proven national interest and there are several alternative sites in the locality.

2. Commercial use of the site as outlined in red on the plan could harm significantly the amenities of the locality. Policy P4/11 of the TMBC Local Plan requires development to *not* harm the particular character and quality of the local environment and that wherever possible make a positive contribution towards enhancement of the area. Additionally, Policy 6.4 states that there should be no adverse impact on the local environment.

Shipbourne Parish Council asks TMBC to note that the above application is not only for retrospective use of land and buildings for training horses but it is also an *increased* use.

Fifteen horses are now expected to be on site. The applicant stated at the TMBC Planning Committee meeting September 2006, that there was a maximum of eight horses. This new figure is a considerable

increase and means that traffic, lessons, use of the sand school, associated services and visitors to the site will also *increase* considerably. Originally, when planning permission was given for the brick stables, the timber stables were to be removed as TMBC considered more than ten horses to be an over-intensive use of the site.

a. The sand school, with horses kept on site on a commercial basis, could be in constant use. It is unlikely that flood lights can be used in a way that does not have a severe adverse impact on the local environment. Due to the raised and exposed nature of the site, any outdoor flood lighting would be seen from several miles away.

b. The two 'passing places' shown on the plans along the proposed new driveway give an indication of how much traffic is expected for this commercial enterprise. HGV lorries and other vehicles will be clearly seen travelling through the fields which are raised in form, in the Metropolitan Greenbelt and through an AONB and a SLA; not only throughout the day but with lights on during the night and early winter mornings. This will harm the character and quality of the local environment.

c. This driveway, with wide 'passing places' is to be cut through fields and the use of the driveway would harm the particular character of the environment; it will not make a positive contribution to enhancement of the area.

3. Commercial use of the site as outlined in red on the plan would damage the character and amenity of the established residential use. Policy P6/13/2 requires equine development to have no adverse impact on residential amenity due to smells, excessive noise, lighting, traffic generation and activity at unsocial hours. Additionally, Policy 6.4 states that there should be no adverse impact on amenity to residents.

a. Noise: Some of the loose boxes intended for use (see letter from applicants' agent dated 30th March 2007) are close to Longacre House. Therefore the residential amenity of this property in particular is harmed. Additionally, there is no guarantee that the boxes will not be used at unsocial hours. The measures that the applicants propose to reduce noise here are cosmetic: a fence will not ameliorate noise to any extent. It will still be a nuisance.

b. Light: the sand school with 15 horses on site could be in constant use. At present the outdoor lighting causes unacceptable light pollution (they can be seen from several miles away) and do cause nuisance to close residential properties. There is no way in the opinion of the parish council that the flood lights can be adjusted so as not to be of nuisance and cause light pollution: lights will therefore have an adverse impact on residential amenity.

Such lights cause light pollution of the rural night sky due to the raised and exposed site. Light pollution is now an offence that should be dealt with under The Environmental Pollution Act.

c. Traffic: The horse boxes have noisy diesel engines that will be clearly heard at 6am and 10pm (*sic*) at night, or earlier in the mornings if officers take note of what the neighbours cite. This will happen frequently during the eventing season which constitutes two thirds of the year.

There is concern about the proposed turning circle for the horse boxes: the drawing shows a turning circle that could not facilitate the turning of a large horse box (and one in use is over twenty feet long). The HGVs would therefore have to come closer to the residential dwellings of Puttenden Manor; The Old Stables and Longacre House in order to do a three point turn.

Proposed alternative means of access: the site is on the brow of a hill in an exposed site: the increased traffic with HGV entering and leaving the site through the proposed alternative access off Puttenden Road will have to travel up and down the slope of this hill. The car and lorry lights will be clearly visible across the fields below the site from 5 am and up to 11pm. When there are no leaves on the trees these will shine directly into Hookwood House and affect other properties beyond it in Puttenden Road and Claygate Lane.

d. Unsocial hours: As previously noted, the horse boxes have noisy diesel engines and lights that will be clearly heard and seen by residents at 6am and 10pm (*sic*) regardless of their means of access. Vehicle doors banging shut, ramps being lowered and general loading and unloading add to this noise nuisance. This activity will happen frequently during the eventing season which constitutes two thirds of the year.

4. The increase of traffic to serve this enlarged commercial enterprise outlined in red on the plan would have a detrimental and harmful effect on the ecology and adjoining land. Policy 6/12/6 states that full account should be taken of any nature conservation interests and wildlife habitats Policy 6/4 states that there should be no adverse impact on the local environment. Policy 3/5 also states that within Areas of Outstanding

Natural Beauty priority will be given to conservation and enhancement of landscape and wildlife over other planning considerations.

a. The site is on the brow of a hill in an exposed site protected by MGB, ANOB and is a SLA: the increased traffic with HGVs entering and leaving the site through any new driveway on Puttenden Road has to travel up and down the slope of this hill. The car and lorry lights will be clearly visible across the fields below the site from 5 am and up to 11pm (*sic*).

b. There are several nocturnal species on the site which are included in the Biodiversity Action Plan (BAP) among them nightingales, bats, owls and badgers: all of these are protected species. The habit and possibly the habitats of these species will be detrimentally affected by the above activity.

c. Moving hedges and pruning or removal of trees will further have an adverse impact on the ecology as well as the local environment. There is strong objection to any removal or damage to trees forming the avenue of Red Chestnut Trees along Puttenden Road. This avenue (the subject of previous and separate correspondence) forms one of the salient amenity features of the area.

Notes: It is understood that at present the site is not an HGV Operating Centre nor does the applicant or user have an Operators Licence to use qualifying Heavy Goods Vehicles there. Should any application be made, the parish council requests that TMBC objects to the applications to VOSA for all of the above reasons.

Shipbourne Parish Council also wishes TMBC to note the following regarding the applicants agent's (page 6 of their application letter) claim that a precedent has been set at nearby Silverhill Stables: Planning Law usually states that proposals should be distinguished on their facts: this would apply to the above application. That Silverhill Stables nearby may appear to be a commercial establishment has no bearing on the above application. There are in any event material differences in the establishments. At Silverhill the owner of the stables keeps her personal horses there; the current use of it is not as extensive as that proposed at Puttenden Manor; the site is not in a prominent, exposed location.

The parish council strongly lobbies the Borough to refuse permission for this application. However should, for any reason, any permission be granted either now or in the future, the council would like the following conditions made as part of that permission:

Waste should not be burnt on site. Outdoor lights should not be permitted until the design and siting of them can be proven to cause no pollution or loss of amenity. The planting of the hedges should be in line with nature conservation and the Kent Bio-diversity Action Plan. Permitted development rights for Puttenden Manor and Puttenden Manor farm should be removed.

c) Enforcement and other planning issues:

The Meadows, Hildenborough Road: It was reported that groundworks are in progress and the plywood boarding has been removed. The council will continue to monitor the situation to ensure that all conditions of the original permission are met.

11. Rights of Way

12. Village Hall

As in item 7, the Village Hall Management Committee will be asked to prepare a schedule of works and redecorations required at the hall. It was also considered that the heating system needed upgrading. Cllr Sargent said that she would be organising teas at the hall over the week-end on 16th/17th June and asked for donations of cakes.

13. Correspondence (not circulated or dealt with elsewhere)

The Clerk will chase Mayo and Perkins to draft a response to Mr Ron Williams.

A letter from TMBC was read out by the Clerk. This clarified the law relating to the holding of Annual Meetings. The contents were noted for the future.

TMBC had written advising that there were a number of vacancies for parish council representatives on the Town and parish Council Standards Sub-Committee. The information will be circulated.

The Clerk will reply to TMBC advising current information for inclusion in the TMBC 2007/8 Members' Handbook and Diary.

14. Any Other Business

The council agreed that it could encourage visitors to the parish website to find out more about Shipbourne's history and current visual qualities of the village and local priorities by informing them of the existence of Frank Chapman's book, Shipbourne Life and Times and also by publicising the Village Design Statement. An appropriate note will be added to the website.

Cllr Cohen said that she was awaiting the quotation for the village sign. It should be available for discussion at the June meeting.

A new draft list of parish council contacts will be circulated.

Cllr Lee reported that the old boot scrapers had been stolen from outside of the kissing gate at the rear of the Churchyard. The Council deplored this theft. The Clerk will make contact with the PCC to discuss the matter and their replacement.

Cllr Cohen expressed the condolences of the parish council to the Clerk on the recent death of his Mother. The Clerk thanked the council and the individual members who had written to him.

Future dates for parish council meetings were proposed as 11th June, 16th July, 3rd September, 8th October, 12th November, 10th December, 14th January 2008, 11th February, 10th March and 14th April.

The meeting concluded at 9.30pm

Signed: _____ (Chairman)

Dated: _____