

# LEIGH PARISH COUNCIL

*Clerk to the Council*  
**Mrs Louise Kleinschmidt**  
Salehurst Barn  
Oak Lane  
Blackham  
Kent. TN3 9UB  
Tel: 01892-740753  
Email: [clerk@leighkent.org.uk](mailto:clerk@leighkent.org.uk)  
[www.leighkent.org.uk](http://www.leighkent.org.uk)

11<sup>th</sup> November, 2022

## **SE/22/02495/OUT: Land South of Greenview Avenue, Leigh**

A public meeting of Leigh Parish Council Planning Committee was held on 2<sup>nd</sup> November 2022 at which some 60 Leigh residents attended. All those who spoke were against the application. The opportunity was given for anybody who supported the application to speak at the meeting or to contact the Parish Clerk after the meeting. No comments in support have been received.

Leigh Parish Council strongly objects to this application on the following grounds:

### **1. Impact on the Green Belt**

This proposal constitutes inappropriate development in the Green Belt.

- a. The applicant has put forward a case for very special circumstances, but the Parish Council does not believe that the application demonstrates that this high bar of very special circumstances has been met. The applicant refers to this site as 'poorly performing Green Belt land' but it is still nonetheless Green Belt and it is also classified as a Local Wildlife Site (Planning statement – appendix 2 Letter from SDC re: pre-application advice. Also see item 9 below).
- b. Development in rural settlements is covered by Core Strategy Policy LO7, which sets out that development within villages in the Green Belt is limited to small scale infilling only, due to the limited range of services and facilities in these settlements and the need to protect the openness of the Green Belt. The NPPF states that limited infilling in villages, and limited infilling of brownfield sites which would not have a greater impact on the openness of the Green Belt, are not inappropriate development in the Green Belt. However, this proposal does not provide limited infilling, but is a large development of up to 39 dwellings in the Green Belt. This is, therefore, contrary to SDC policy.
- c. Item 12.3 of the Green Belt SPD states that "Circumstances that are accepted as being 'very special' are very rare, but will usually involve a specific judgement being made that no other option is available in light of the unique circumstances and individual case. These circumstances are not common and are unique 'one-offs' that are rarely likely to be repeatable." This proposal does not in the Parish Council's view satisfy this criteria.
- d. SDC's Green Belt Assessment, pages 62 and 83, refers to this site (parcel 21, site RA5), as being strongly performing Green Belt land.

### **2. Impact on the Leigh Conservation Area**

- a. Access to the proposed development is through the Leigh Conservation Area whose special character is focused around the Village Green and the surrounding listed buildings. The material increase in traffic would have a clear detrimental impact on this special quintessential English rural scene. The access point is examined more closely in the point 3 below.

- b. The Planning Statement 2.3 states that the site 'is not in close proximity to any listed buildings nor Leigh Conservation Area'. This is not true as the access to the site relies on The Green and the houses surrounding it – many of which are listed and the whole area is the central focus of the Leigh Conservation Area. This area is clearly threatened and impacted by the application. Again, there is no confidence that the value of The Green to the whole village is respected or recognised.

### **3. Access**

Access to this site is extremely limited and presents a risk to public safety.

- a. The application states that access will be via Greenview Avenue, but access to Greenview Avenue itself is only possible via a very narrow road around The Green. KCC Highways have said that a minimum roadway width of 4.8m would be required to access the development (Planning statement – appendix 3 Letter from KCC Highways re: pre-application advice.). This required width is not met by the whole of Greenview Avenue, neither is it met by the narrow road around The Green. KCC Highways made spot measurements of 4.3m and 4.4m on The Green. Measurements made by the Parish Council identified narrower widths in several areas of The Green with a minimum of 3.7m by the Veteran Oak tree identified on the enclosed plan. The width of the road by Leigh School is 4.4m and 4.62m, which corresponds with KCC's findings.
- b. The road around The Green is narrowed further by parked cars outside dwellings where people have no option other than to park on the road. It is particularly narrow on the eastern side of The Green which is proposed as the main access for the construction phase of development. Where cars park outside Barden Cottages, for instance, the road width is just 2.9m due to the parked cars.
- c. On the eastern side of The Green, the roadway is overhung by a Veteran Oak tree and we have been advised that "Large construction vehicles driving past the Veteran Oak could very well be detrimental to the health of the tree.", this advice has been given by our tree expert (Bob Noakes, The Original Tree Surgeons Ltd, 22<sup>nd</sup> July 2022).
- d. The applicant's proposal to alter the layout of Greenview Avenue to provide two passing places in order to meet the KCC Highways 4.8m width requirement is completely unworkable. The entire length of the road, with the exception of driveway entrances, is already used for parking of residents cars. There are no alternate parking locations so the result will be that the passing places will be used for parking, again reducing the carriageway width to less than 4.8m. In our opinion this proposal will severely harm amenity for current and future residents of Greenview Avenue.
- e. In addition there is a serious concern that this will be exacerbated during the extensive construction phase.

### **4. Highway Safety Issues**

KCC Highways were unable to support the application on the basis of a number of safety concerns and in their pre-application advice refer to small radii and limited visibility, specifically in relation to the junction of The Green and Greenview Avenue.

- a. The application makes no reference to this or any plans to mitigate, or the fact that there is no footway either to east or west of this junction for the much heralded sustainable foot traffic to safely navigate their way to the village amenities.
- b. There are many pedestrians who walk along the road around The Green, and as there is no footway, the additional traffic numbers and, in particular, construction traffic would be a safety hazard.
- c. The Parish Council believes that the applicant's assessment of existing traffic levels is severely underestimated. Increasing this level of traffic in the long term and injecting further substantial numbers of movements during the short term construction phase will raise considerable safety issues for the school, and also for other pedestrians, dog walkers and the sports teams who regularly use The Green.
- d. The Parish Council and local residents are seriously concerned about the significant increase in traffic movements particularly around The Green.

Given the rural nature of this village, it is probable that there will be more vehicle movements than estimated in the application. To this delivery vans and lorries should be added and, in the construction phase, totally unsuitable construction vehicles. In addition to the serious safety implications, this level of increased traffic poses significant damage to The Green itself.

- e. The NPPF s.111 states that 'Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' In the Parish Council's opinion this application should be refused on these grounds as there would be an unacceptable impact on highway safety.
- f. Policy T1 Mitigating Travel Impact quoted in 4.47 of the Planning Statement, states 'new developments will be required to mitigate any adverse travel impacts including their impacts on safety, environmental impact, such as noise and tranquillity, pollution and impact on amenity and health'. It goes on to mention providing improved transport infrastructure to mitigate. It is simply not possible to provide such mitigating measures around the Green – where safety, environment, noise, pollution and amenity are all very obviously negatively impacted.
- g. The application states that residents will leave at staggered times, this is an unjustified assumption. The proposed development would put pressure on school places and therefore if the children living at the proposed development do not attend Leigh School, then they would need to get to alternative schools by car.
- h. The application states that transport is available by rail and bus. The local bus services are under threat as KCC withdraws subsidies and the commuter bus service to Hildenborough Station has been withdrawn. Many commuters use Hildenborough Station and with the withdrawal of this bus services, these people are now driving to the station, increasing the traffic movements in the village.

## **5. Impact on The Green**

The Parish Council is concerned about the impact that this proposed development would have on The Green, which is a registered Village Green, owned and managed by the Parish Council. This registration covers land on both sides of the road around The Green. Section 12 of the Inclosure Act 1857 makes it a criminal offence to undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation.

- a. It would not be possible to install a pavement around The Green in order to improve safety for pedestrians as this land is protected under its Village Green status.
- b. Furthermore, SDC's pre-planning advice letter to the applicant in Appendix 2 of the Planning Statement states that the applicant should "... Ensure any new development respects the rural character of settlements, conserving distinctive greens and commons". The application does not demonstrate this and gives us no confidence that this key local resource will be conserved or respected
- c. The application does not acknowledge The Green's important status as a public asset which is in constant use by school children, pedestrians (including many elderly residents), sports teams, walkers and many others. The Parish Council will not give permission for construction vehicles to be driven on The Green at any time.

## **6. Safety of Leigh Primary School and Scribbles Preschool children**

The proposal does not accurately take account of the use of The Green and roads around The Green by Leigh Primary school; or mitigate any of the risks presented to the school's children by the development.

- a. The applicant's traffic survey was in place for less than 24 hours on the last day of the spring term, a time frame too small to adequately capture the daily movements of vehicles around The Green and near to the school. The school day runs from 8.30am - 3.20pm with wraparound childcare operated from Jessica's Hall on The Green from 7.30am - 6pm. Children and their parents arrive and leave the school sites via The Green and the roads around The Green each day from as early as 7.30am and as late as 6pm, on foot, cycling and by car.

- b. Leigh Primary School's main site sits on the western corner of The Green but the school playing fields and forest school lie at the eastern end of Lealands Avenue. The school currently holds 161 children aged 4-11 who access the sites at Lealands Avenue on foot via The Green and Greenview Avenue. Transporting children to the sport and forest school sites during the construction phase would present a severe risk to the children's safety; and the longer term predicted increases in traffic volumes would present a further serious safety concern.
- c. The village preschool Scribbles has in the past and will in the future use the forest school site with an even younger cohort of children aged 2-4 who have to be transported on foot via The Green, Greenview Avenue and Lealands Avenue.
- d. The school uses all parts of The Green for PE lessons twice a week, and in spring, summer and autumn daily for morning break at 10.30am and lunch break at 12pm. The Green is also used for teaching lessons, fire drills, sports day, Bikeability training and after school clubs. For each of these activities children have to cross the road back to the main school building to use the toilets and return to class. The timings of all of these activities are regularly affected by changes to the school timetable and weather concerns, meaning it is not always possible to predict exactly what times of any given day the Green will be in use by the school.
- e. The Green and surrounding roads are in daily use for the majority of the year by Leigh Primary School. The applicant's proposal fundamentally overlooks the risks the development presents to the children, staff and parents who attend Leigh Primary school and Scribbles Preschool each day.

#### **7. Lack of Secondary Access**

KCC Highways also raised the issue of a second emergency link to the development which again has not been addressed in the application. The Green Lane, which is the only feasible route for this, is not adopted and is, as KCC points out, very narrow. The application does not address this. In the Parish Council's view, The Green Lane, measuring just 3.6m, would not be suitable as an alternative access to the site.

#### **8. Lack of accurate information**

KCC has referred to the use of an 11.4m refuse vehicle. The development consultants provide the analysis but only with an 11.3m vehicle, which does not meet KCC's requirements.

#### **9. Impact on Local Wildlife Site**

The Parish Council believe this application should also be rejected on the grounds that it is a designated Local Wildlife Site and no recent survey has been conducted by Kent Wildlife Trust.

- a. In the SDC Call for Sites held in 2017, under Suitability, this site (ref H059) is described as *"forming part of a designated Local Wildlife Site which provides an important habitat for wildlife. Development of this site is not supported, subject to Kent Wildlife Trust re-surveying the site. Any development proposal would be subject to an ecological survey. The site lies partly within flood zones 2 and 3 and any development proposal would be subject to a flood risk assessment. Overall the site is considered unsuitable for development given the designation of the site as a Local Wildlife Site."*
- b. The Parish Council does not believe that any form of development – or approval for development under an outline application - on this site can take place until an ecological survey has been carried out. We are aware that a high number of special wildlife species have been observed on this land, including bats, owls, buzzards, great crested newts and grass snakes.
- c. The site is described as 'disconnected from the wider countryside'. It is not, it is linked by footpaths through the woods and underneath the railway which are heavily used and valued by many local residents and walkers from further afield.

## **10. Impact on Trees**

The Parish Council is concerned about the proposal to remove trees at the access to the site. There is a large oak tree (T21 on the Tree Survey Plan) which should not be removed.

- a. The application states that there are no trees or bushes of significance around the site. This is not the case and the applicant's Tree Survey Plan and Tree Protection Plan clearly identify that most trees are in category A & B, being trees of high and medium quality and should be considered for retention.
- b. The inaptly named Tree Protection Plan identifies a number of trees, including the oak (T21) for removal. The majority are B2 quality trees that in the words of the Survey, "should be considered for retention".

## **11. Local Engagement**

The application makes much of the applicant's engagement with the Parish Council and local community. We are somewhat surprised at the tone of this as it does not match with members of the Parish Council's recollections. The public consultation event was somewhat fractious and the developers and their representatives' attention and responses to concerns was generally felt to be curt and dismissive. The meetings with the Parish Council raised a number of concerns, particularly around access, which have failed to be mentioned or addressed in the application. The application also states it has "taken into account public concerns" but in the view of the Parish Council this has not been demonstrated at all.

## **12. Conclusion**

- a. The application states the "benefits outweigh drawbacks" but makes no effort to demonstrate this apart from continually using the argument that it helps SDC meet general housing targets. Leigh has shouldered what many residents consider an unfair number of new developments to help meet that target in recent years. The village has reached capacity and the local infrastructure cannot support a further substantial development which risks ruining the character and nature of the historic village itself – something Planning Policy states should be avoided.
- b. The Planning Practice Guidelines quoted make much of empowering local communities where plans are concerned. It also says (4.34 of the Planning Statement) that there would be support for 'the right development in the right place'. In the view of the Leigh Parish Council on behalf of every resident who has commented so far – this may be the right development in general terms - more houses are needed and we are especially interested in creating more affordable housing – but it is in the wrong place. This is the wrong place for this development. The safety, environment, amenity and character of the village would all be negatively impacted and there is nothing in the plans that demonstrates the very special circumstances needed or ways to mitigate the negative impact.

Louise Kleinschmidt  
Clerk, Leigh Parish Council  
11.11.22.