

WROTHAM PARISH COUNCIL

MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON Friday 4th August 17 at 10.00am at Pilgrims Close, Whitehill, Wrotham

Present: Cllr's P Gillin (Chairman), C Mills, H Rayner & Mrs P Parker

In Attendance: Lesley Cox (Clerk)

1. Apologies for absence:

Cllr's Beach & Denton

2. Attendance Register

The register was signed and the following declarations noted:

All meetings

Cllr's Gillin, Rayner, Beach and Denton members of Keep Borough's Green

Cllr Beach member of the St George's Bell Ringers

Cllr Gillin member of Friends of Wrotham & Wrotham Xmas Lights

Cllr's Rayner & Gillin member of Friends of St George's

Cllr's Rayner & Beach member of Kent Association of Change Ringers

Cllr's Gillin, Rayner, Beach and Denton members of the Campaign for the Protection of Rural England – WPC corporate member

Cllr Rayner member of St George's Church of England Wrotham

Cllr Rayner retired member of the Baltic Exchange Ltd

Cllr Rayner Life member of the National Trust

Cllr Gillin committee members of Tonbridge & Malling branch of the Campaign for the Protection of Rural England.

Cllr Mills chairman of Friends of Wrotham

Cllr Mills Wrotham Parish Magazine Editor

Cllr Rayner assistant Village Magazine Deliverer

Cllr Rayner Life member of the Royal National Lifeboat Institute

Cllr Rayner Conservative Party Member

Cllr Rayner Member of Tonbridge & Malling Conservative Party Executive & Management Committees

3. Minutes

Planning Meeting Minutes of 8th February 17, approved by the Parish Council on 1st March 17

4. Public Question Time

No public in attendance

5. Planning Committee to Consider

1. Applications received

Application Number	Address	Details	Parish Council Recommendation
KCC/TM/0142/2017 TM/17/01807/MIN	Celcon Blocks Limited The Ightham	Application for determination of New	Attached refers

	Sandpits Borough Green Road Ightham	Conditions pursuant to the Environment Act 1995: Section 96 and Schedule 14	
TM/17/01501/FL	Little Hockenden Labour In Vain Road	Construction of a single stable together with equipment store, storage for feed, hay and bedding and covered area for grooming, shoeing etc. Change of use of land to equestrian and new access to Labour In Vain Road	No Objections
TM/17/01845/TNCA	Conservation Area Wrotham Forthview Kemsing Road	G1 Group of Sycamores to remove all secondary branches extending over the fence line from neighbour's trees aiming to leave clear trunks up to apex of the Forthview being approximately 10 meters from ground level	Objection, due to the adverse impact on the trees and the Wrotham Conservation area.
TM/17/01924/TNCA	Conservation Area Wrotham Bowyers St Mary's Road	Remove diseased Ash tree. Pollard another tree(fouling electricity lines)	Objection, the poor application provides no evidence to substantiate the condition of the trees. Wrotham Parish Council also has concerns on the accumulated impact the loss of a significant number of trees has had in this part of the conservation area.
TM/17/01605/FL	The Bull Hotel Bull Lane	Change of use of existing store room to form kitchen and proposed conservatory to existing seating area and veranda	No Objections, Wrotham Parish Council is of the opinion that this is good proposal that sensitively increases kitchen facilities and dining covers.
TM/17/01834/AT	George and Dragon High Street	New fascia signs, hanging sign, blackboard and sign to beer garden shelter and associated external lighting	No objection, subject to the retention of the parish street light to the front of the building.
TM/17/01951/RD	West Yaldham Farm Kemsing Road	Details of condition 41(materials) submitted pursuant to TM/15/02819/FL	No Objections

TM/17/01793/FL	Rosador London Road	Demolition of the residential bungalow and the erection of 6x B1/B8 units and a 2 storey office building with new estate road and associated parking	Supply to LPA evidence of site contamination, previously submitted. WPC to request an intrusive site contamination survey be included as part of application. Comments to be submitted on the proposed site entrance. WPC to request a Highways Safety Audit. Attached refers
TM/17/01453/FL	Ashurst West Street	Retrospective: Erection of boundary wall and gates to rear driveway	No Objections
KCC/TM/0196/2017	Wrotham Quarry Trottiscliffe Road Addington	Section 73 application to vary condition 2 of planning permission TM/07/2545 to allow for completion of extraction and restoration work not later than 21 July 2022	No Objections

2. Notification of decisions

Application Number	Address	Details	Decision
TM/17/01396/FL	Oakfield Wrotham Hill Road	Demolition of existing conservatory extension and first floor rear dormer windows. Construction of single storey rear and side extension and first floor roof extension with some re-cladding of existing elevations.	Refuse on 17 th July 17

3. Correspondence

T&MBC Planning List 'B' No's 17/27, 17/28, 17/29 & 17/30

The meeting closed at 10.40am

.....Chairman

.....Date

Planning Application Reference	MK/4/51/43
Address	Land east of H+H Celcon Factory
Proposal	A resumption of sand quarrying
Decision	No objection to the resumption of sand extraction provided operations are mitigated as follows.

Comments :

WPC would like to see operations controlled by conditioning in the following areas.

1. Measures to limit vibration / noise to standard levels given the close proximity of residential habitation.
2. Measures to reduce dust emissions.
3. Restricted working hours from 07:00 to 18:00 during the week and 07:00 to 13:00 on Saturday
4. Measures to protect ground water and streams from contamination.
5. The restoration plan should include landscape mitigation to quarry slopes.
6. The area currently is used to store PFA and crushed blocks which will have to be moved and stored elsewhere. The new storage area should be covered to prevent dust emissions and rain causing slurry.

Wrotham Parish Council

Lesley Cox
Clerk

PO Box 228
Sevenoaks
TN13 9BY

Telephone 01732 886139
Email – wrothampc@btinternet.com

Ref: Planning Consultation
Date: 21 August 2017

Planning Application Reference **17/01793/FL**

**Address
Proposal**

**Rosador London Road Wrotham TN15 7RR
Demolition of the residential bungalow and
the erection of 6x B1/B8 units and a 2 storey
office building with new estate road and
associated parking**

**Decision
Comments :**

Objection

WPC has significant concerns about this application regarding contamination issues at Rosador. WPC has raised numerous enforcement issues regarding the use of this domestic garden as a waste recycling centre for the applicants waste skip business within the AONB. The last and most comprehensive complaint to enforcement is attached. The Agent for the applicant commented that the 'site appears to be immune from enforcement' and WPC has to agree based on the lack of enforcement to date.

It is apparent that although the site is heavily polluted the Application Officer has not been informed of this relevant site history and consequently the Environment Agency has no knowledge of it either and has replied to consultation that they have no objection to the proposal. It is regrettable that colleagues that deal with Planning Enforcement have not informed the front line Officer of the previous history.

WPC is of the opinion that the Environment Agency, a statutory consultee, has not been properly informed and should be reconsulted and provided with a full record of planning violations and the LPA's response to these.

The DAS states the following.

4.13 It is noted that on the adjoining sites at Nepicar Park and Oakdene, a search of potential risk of contamination arising from other activities within the surrounding area was found to be low.

This is incorrect. Nepicar Park was heavily contaminated when a previous owner laid down bitumen road scalping as a hard surface across the site. Gallagher's, as part of their development of the site, had to remove the complete top surface prior to development.

The applicant asserts that they have run an ancillary metal fabrication business for 13 years. WPC has evidence that this is factually incorrect. We have supplied evidence that the nature of the business was only partly related to metal fabrication, but was an unlicensed waste recycling centre which hired out skips and then processed the contents. Then briefly the area was used for storage of scrap cars, possibly for the car breakers down the road and the house was rented out.

This activity ceased for a couple of years when the house and garden was rented to another party who kept racing cars on site. The agent implies there is established use but has not applied for a Lawful Development Certificate to that effect. WPC has evidence that, in our opinion, such an application would fail with the provision of our information and photographs.

WPC is very concerned about the safety of the additional proposed access and new egress onto A20 London Road. We commissioned a Highways Technical Appraisal of the proposal to provide evidence of those concerns. That document is attached and states that a new access should be accompanied by a "Stage 1 Road Safety Audit of the access design". It is therefore "not possible to confirm the adequacy of the proposed access arrangement in highway safety terms." The report goes on to state the following.

1.3.2 Furthermore, from the plans submitted, the overall access strategy for the site is unclear. Whilst it is indicated that HGVs will utilise the northern access to enter the site and the proposed new southern access to exit, it is unclear whether this arrangement is also to apply for smaller vehicle types. As is indicated by the submitted swept path drawings, it is apparent that on entry, HGVs will utilise the whole of the carriageway, leaving no space for opposing vehicle movements. Ref: DHA Transport Technical Note

It is considered that if only one HGV can use the access at a time then this could lead to queuing on the A20. The access is also very close to the Nepicar Roundabout where there are two approaching lanes, the inside one being for vehicles joining the M20 East and the outside one for vehicles going elsewhere. Drivers will have very little opportunity to get to their correct lane after egressing from the site.

The site is within the Green Belt where the openness of the area is valued. Clearly this application will be contrary to Green Belt Policy because the amount of proposed development, some 1,829m² is substantial compared to the existing modest bungalow and therefore the applicant needs to demonstrate special circumstances that outweigh the harm cause to the Green Belt

National guidance states that the circumstances must be "very special" and not just common or garden planning considerations. The absence of harm rarely amounts to very special circumstances.

The applicant has advanced what they consider to be 8 VSP's and WPC would comment as follows. Rosador remains a perfectly viable modest dwelling. The intentions of another developer are not a VSC. The applicant would be required to mitigate it's own proposals for development and as such a line of trees are not a VSC. The provision of commercial development space should take place in an alternative location that is external to the AONB and as such cannot be described as a VSC. The absence of harm, whether one agrees with it or not, cannot be considered a VSC. It is perfectly possible to improve the appearance of Rosador without building in a highly constrained location. The two residences would not require an additional access. The AONB should not be considered an 'outstanding transport location'.

WPC is of the opinion that the applicant has failed to advance a case of VSC's that could outweigh the substantial harm that building in the MGB and on AONB will cause.

In conclusion the application is missing a Stage 1 Road Safety Audit and an intrusive Contamination Survey and the applicant has failed to advance sufficient Very Special Circumstances to overcome the severe harm proposed in this MGB and AONB location.

TECHNICAL NOTE

Site: “Rosador”, London Road, Wrotham, Kent

Client: Wrotham Parish Council

Prepared by: DHA Transport
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone ME14 3EN

Date: August 2017

1.1 Introduction

- 1.1.1 This Technical Note (TN) has been prepared on behalf of Wrotham Parish Council in respect to the proposed B1/B2/B8 development at “Rosador” on London Road, Wrotham, Kent (Planning Application Reference: 17/01793/FL). The development comprises three industrial units, providing a total Gross Floor Area (GFA) of 1,688sqm, with associated access and parking.
- 1.1.2 This TN considers the development proposals and the specifically the Transport Statement (TS) that accompanies the planning application.

1.2 Trip Generation

- 1.2.1 The proposed development vehicular trip generation has been identified on the basis of average trip rates for ‘Industrial Estate’ uses contained within the TRICS trip rate database. In practice, the proposed development comprises a mix of uses, including B1, B2 and B8. The use of ‘Industrial Estate’ comparator sites in TRICS may not therefore provide an accurate representation of the development’s likely vehicular trip generation.
- 1.2.2 On this basis, the overall trip generating potential of the site has been reassessed, taking each proposed land use class in turn. As per the original assessment, the TRICS database has been interrogated, utilising the categories ‘02-EMPLOYMENT, A-OFFICE’, ‘02-EMPLOYMENT, C-INDUSTRIAL UNIT’ and ‘02-EMPLOYMENT, F-WAREHOUSING (COMMERCIAL)’. Only sites within England have been considered within Edge of Town locations, as per the submitted TS. For the B1 and B2 uses, a GFA of up to 2,500sqm has been selected, with a GFA of up to 5,000sqm considered for the B8 use to provide for a sufficiently large TRICS sample size. Only weekday periods have been considered to provide a robust assessment of the site’s vehicular trip generation potential.
- 1.2.3 The resulting TRICS trip rates are shown below in Table 01, with the full TRICS output reports included at **Appendix A**.

B1 Office Use			
Period	Arrivals	Departures	Total
0800-0900	2.637	0.213	2.850
1700-1800	0.267	3.492	3.759
0700-1900	12.434	12.967	25.401
B2 Industrial Use			
Period	Arrivals	Departures	Total
0800-0900	0.313	0.137	0.450
1700-1800	0.000	0.471	0.471
0700-1900	2.409	2.354	4.763
B8 Storage and Distribution			
Period	Arrivals	Departures	Total
0800-0900	0.495	0.194	0.689
1700-1800	0.088	0.378	0.466
0700-1900	2.541	2.580	5.121

Table 01: TRICS Trip Rates – B1/B2/B8 Uses

- 1.2.4 Based on the above trip rates, it is possible to ascertain the resulting vehicular trip generation for each unit. Table 02 below highlights the trip generating potential for Unit A (300sqm), assuming a single use is provided for the unit as a whole.

B1 Office Use			
Period	Arrivals	Departures	Total
0800-0900	8	1	9
1700-1800	1	10	11
0700-1900	37	39	76
B2 Industrial Use			
Period	Arrivals	Departures	Total
0800-0900	1	0	1
1700-1800	0	1	1
0700-1900	7	7	14
B8 Storage and Distribution			
Period	Arrivals	Departures	Total
0800-0900	1	1	2
1700-1800	0	1	1
0700-1900	8	8	15

- 1.2.5 This exercise has also been undertaken for Unit B based on its potential B1/B8 use. The above trip rates have been factored by the total GFA for this unit (788sqm), providing the figures shown in Table 03.

B1 Office Use			
Period	Arrivals	Departures	Total

0800-0900	21	2	22
1700-1800	2	28	30
0700-1900	98	102	200
B8 Storage and Distribution			
Period	Arrivals	Departures	Total
0800-0900	4	2	5
1700-1800	1	3	4
0700-1900	20	20	40

Table 03: Unit B – Trip Generation for B1/B8 Use

1.2.6 Finally, Unit C has been assessed based on its proposed B1 use. The total GFA for the unit (600sqm) has been factored against the above trip rates, with the resulting trips shown below in Table 04.

B1 Office Use			
Period	Arrivals	Departures	Total
0800-0900	16	1	17
1700-1800	2	21	23
0700-1900	75	78	152

Table 04: Unit C – Trip Generation for B1 Use

1.2.7 Taking the above, the maximum trip generating potential of the site can be ascertained, as shown in Table 05.

Maximum Development Trip Generation			
Period	Arrivals	Departures	Total
0800-0900	45	4	48
1700-1800	5	59	64
0700-1900	210	219	428

Table 05: Maximum Development Trip Generation for Development Proposals

1.2.8 Taking the above trip generation assessment, a residual impact can be identified relative to the trip generation outlined within the submitted TS. Table 06 below highlights the difference between the two assessments.

Maximum Development Trip Generation - Residual			
Period	Arrivals	Departures	Total
0800-0900	+30	-4	+25
1700-1800	-3	+47	+44
0700-1900	+96	+105	+199

Table 06: Residual Trip Generation

- 1.2.9 It is noted that the development proposals have the potential to generate an extra 199 vehicular trips across the 12-hour weekday than are forecast by the submitted TS. Whilst it is acknowledged that this presents a 'worst case' scenario in terms of trip generation, it is inherently possible that significant proportions of the proposed units could be utilised as office space, which are a greater trip generator than either B2 or B8 uses. As such, the trip generation assessment outlined within the submitted TS is considered to be unrepresentative of the potential trip generation of the site and a more robust assessment should be undertaken.

1.3 Access Strategy

Vehicle Access

- 1.3.1 It is noted that the 'exit only' element of the proposed site access forms a new junction with the primary route network (the A20 London Road) and that a Stage 1 Road Safety Audit of the access design has not been submitted by the applicant. As such, it is not possible to confirm the adequacy of the proposed access arrangement in highway safety terms.
- 1.3.2 Furthermore, from the plans submitted, the overall access strategy for the site is unclear. Whilst it is indicated that HGVs will utilise the northern access to enter the site and the proposed new southern access to exit, it is unclear whether this arrangement is also to apply for smaller vehicle types. As is indicated by the submitted swept path drawings, it is apparent that on entry, HGVs will utilise the whole of the carriageway, leaving no space for opposing vehicle movements.
- 1.3.3 If other vehicle types are to follow the same access strategy as HGVs, enforcement issues may persist, with some drivers likely to disobey the 'entry only' element when seeking to access the A20 northbound.

Pedestrian Access

- 1.3.4 An existing footway is provided on the A20 along the site frontage, measuring approximately 1.5 metres in width. From the submitted site access plans, it is not clear how this footway will be incorporated into the design.

1.4 Conclusion

- 1.4.1 This Technical Note (TN) has been produced on behalf of Wrotham Parish Council in relation to the proposed commercial development at "Rosador", London Road, Wrotham, Kent (Planning Application Reference: 17/01793/FL). It has been demonstrated that the planning application contains inadequate information in relation to vehicular trip generation and the proposed site access arrangements, which at this stage give rise to significant highway safety concerns.

Rosador, a History of Development Control

London Road, Wrotham, TN15 7RR

Planning Constraints

Rosador is a residential property with a large garden located within countryside, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt (MGB) and as such is highly protected in development terms. The garden extends up to a natural 'drain' (stream) and it would appear that north of that is agricultural land.

Location

Rosador is to the north of the A20 and south of the M20. The access is off a small drive into an area owned by the National Trust named the 'Water Meadows'.

To the east is a small residential bungalow named Excel with a modest garden surrounded by agricultural lands that extend up to a motorway interchange.

To the north the National Trust Water Meadows infills between the motorway and both Rosador and Excel and many other adjacent properties.

To the East of Rosador is a property known as 'The Poplars' that has industrial consents for a business park to the south west and agricultural AONB to the northeast. The consented development has not at present been implemented.

Planning History

Apart from some unconsented modifications to the residential bungalow there have been no significant applications. In particular there have been no applications to the extended garden of Rosador that is the subject of this report.



Rosador Garden in 8 February 2009

Site History

Unconsented development was first apparent when Members of WPC visited the Poplars site with a Planning Officer on the 16 February 2008 to take photographs of the Poplars site prior to Marley's temporary occupation to build a pipeline.



Reference: Two photographs taken on 16/2/2008

The photographs are taken of an area of Rosador's garden and WPC felt it was extremely likely that a breach of planning consents was taking place and as such was reported to Development Control Enforcement (TMBC DCE).

WPC was later informed that an Officer had visited the site, investigated the matter and concluded there was no breach of development control because 'the site contained mobile shipping



containers' and therefore this was not permanent development. The clear evidence of a 'recycling' business activity, the use of skip lorries on site and the accumulation of building waste was ignored.



Reference: All photographs on this page taken on 8/2/2009

The above photograph is of the initial pollarding and felling of trees and the erection of a substantial and high fence to hide the accumulation of building skip debris. Below is clearly building debris and equipment to handle the waste materials, before the fence is built.



Various business activities continued through 2009 and onwards including skip hire, metal fabrication and the hiring of a Unimog vehicle with a HIAB crane.

It is understood that additional evidence of this has been provided by the local Member who frequently flew over the dwelling, took photographs and sent them to Development Control. WPC also has evidence of local people hiring skips and the UNIMOG.

In 2012 the owners of the site experienced marital problems that resulted in separation and divorce proceedings in 2013. A significant asset was the dwelling, which changed the nature of the business activities carried out.

The site was used in 2013 for the storage of around fifty old or wrecked vehicles, presumably for rental income from a local car breakers.



Reference: Photograph taken on 8/2/2009

The Situation in 2014



Reference: Photograph taken on 15 July 2014

Most of the wrecked vehicles have been removed and the burning of plastics has resumed. This burning was a constant feature during the dwellings use as an unregulated 'recycling' centre.

What is clearly building rubble has raised the height of the 'garden' by around 1.5m compared to surrounding properties. It is clear that the use of the term 'recycling' is misleading. Unregulated burning and dumping is the reality.

These activities have made life unbearable for the residential neighbours who constantly endure noise and pollution.



Reference: Photograph taken on 15 July 2014

One of the owners of the dwelling emailed Development Control on 4 February 2013. *"In relation to the above statement please can you advise me on the planning policy in relation to the area?"* She also went on to make the following statement.

"As you are already aware there have been many issues at Rosador where upon the properties garden has been used for the following. Storage of many 20 ft containers (six of these containers contained our company Fitness Engineering Limited's work equipment), one office container and one 10ft container on wheels (without planning permission)

One of the above 20ft containers he part rented to his cousin (without planning permission)

The garden was used as a workshop for the fabrication of steels for Fitness Engineering Limited (without planning permission)

The storage of steels left over from projects carried out by Fitness Engineering Limited (without planning permission)

The running of a skip business in the garden of which Paul Clark from the Environment Agency is very aware (without planning permission)

The storage of a quantity of skips (without planning permission)

The dumping of rubbish from the skip business in the garden of which Paul Clark from the Environment Agency is very aware. (without planning permission)

The storage of two skip lorries reg no. AY53 HGJ & X845 EKR (without planning permission)

The storage of a Mercedes Benz Unimog with a PM Crane attached reg no. FE57 MOG (without planning permission)

Laying of hard surface of which covers large percentage of garden (without planning permission)

There have been many letters sent to Mr D Fitness (my estranged husband) by Tonbridge and Malling Borough Council Enforcement Team in relation to issues at Rosador of which he miss-lead the council officers when they attended the property ..."

Reference: Email to Marion Geary from Anita Fitness sent on 4 February 2013

Development control replied that the property is in the countryside, located in the Green Belt and in an Area of Outstanding Beauty (AONB) and adjacent to a Major Development Site (MDS).

"In the absence of a detailed proposal it is impossible to say if the site could be used independently or in association with the MDS for commercial purposes."

"I note the list of planning and environmental issues at Rosador that you consider relevant. I can advise you that there have been a number of planning enforcement investigations of the site in the last 10 years. In none of these did the Council establish that a breach of planning control had occurred. We hold a current case open on a possible skip hire activity but it is yet to be concluded."

Reference: Extracts from letter referenced PTLs/TM/09/00429/UI, Marion Geary 11/2/2013.

Although the reply is entirely accurate it is very apparent that there has been a complete failure of development and environmental control with the following results:

1. Various business activities have been conducted from the garden of Rosador since 2008.
2. The skip business was unregulated and has resulted in various aspects of environmental damage.
3. Skip material has been separated into inflammables and hard waste. The inflammables have been burned over many years and the hard waste has been dumped in the garden, raising the ground level by approximately 1.5m above neighbouring properties.
4. Noise and toxic fumes have made life for residential neighbours intolerable over a number of years.
5. The unregulated waste in the garden is almost certainly polluted and a fresh water stream flows through the site into a network of streams that contribute potable water to local villages via the Trosley pumping Station.

The Countryside and Rights of Way Act 2000 (CRoW Act 2000)

This act is primary legislation that places a 'duty of care' on LPA's and local authorities to protect the AONB. There is significant evidence that Tonbridge and Malling Borough Council have contravened this legislation by allowing continued uncontrolled dumping of waste into a garden within the AONB.

Best Practise by LPA's

A similar situation was encountered by an LPA whereby it was proven that uncontrolled dumping had polluted land within the AONB. In this case the land had been sold on but the LPA took legal action to enforce the removal of the polluting materials by the new owners who then had to relay approved topsoil.

The LPA who achieved this was Tonbridge and Malling Borough Council and the unfortunate new site owners were Kent County Council and the polluted site was The Poplars, London Road, TN15 7RR, which is next door to Rosador.

It is essential that the LPA upholds its duty of care to the AONB under the CroW Act by enforcing the removal of polluted materials from Rosador's garden with out delay.

Report by WPC
18 July 2014