

# WROTHAM PARISH COUNCIL

## MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON Tuesday 20<sup>th</sup> March at 1.00pm in Pilgrims Close, Whitehill, Wrotham

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

**In Attendance:** Lesley Cox (Clerk)

**1. Apologies for absence:**

Cllr's Denton & Beach

**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

Cllr Rayner declared an interest in planning application TM/17/1490/R4 and left the room during the debate.

**3. Minutes**

Planning Meeting Minutes of 12<sup>th</sup> January 18, approved by the Parish Council on 07<sup>th</sup> February 18

**4. Public Question Time**

No public in attendance

**5. Planning Committee to Consider**

**1. Applications received**

Application Number	Address	Details	Parish Council Recommendation
TM/17/03506/FL	Southview Kemsing Road	New double storey side extension, single storey rear extension and alterations to parking and hard landscaping Revised drawings	Attached refers
TM/18/00476/FL	6 Battlefields Road	Demolition of side extension, construction of new detached 3 bed house with ancillary parking and the construction of a single rear extension to existing property as an amendment to application reference number TM/16/03033/FL	No Objections
TM/18/00443/FL	95 West Street	Enclosure of existing porch and new pitched roof	No Objections
TM/18/00536/FL	Land South of Pilgrims Way	To create a fenced ménage area for the (private) exercising of horses	
TM/18/00612/FL	Petrol Station London Road	Extension to sales building and new fenced bin store. 5 no. designated car parking spaces	No Objection in principle, however Wrotham Parish Council request that the Local Planning Authority take the opportunity to undertake a comprehensive review of the degree of lighting on the site and its adverse impact on the AONB.
TM/18/0613/AT		Shop fascia sign	No Objections
TM/17/1490/R4	Borough Green Sandpits Platt Industrial Estate	Details pursuant to condition 4 (Proposed Ditch Diversion)	No Objections
TM/18/00438/LDE	Unit 7 Invicta Business Park London Road	Lawful Development Certificate for Existing Use: Use of land for the storage of planting machinery and associated items and the construction of a hard surface area	Attached refers
TM/18/00632/TNCA	Ivy Hall Farmhouse St Mary's Road	T1 Holm Oak to crown reduce by up to 25%; T2 Spruce to reduce	No Objections, subject to officer approval

		by 20%; G3 Hazel coppice to fell and T4 Hawthorn to reduce by 30%	
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2. Notification of decisions

Application Number	Address	Details	Decision
TM/18/00262/NMA	Chalk Lodge Gravesend Road	Non-material amendment to planning permission TM/17/02193/FL: Alteration to roof configuration to East side single storey extension, i.e. change from mono-pitch to double pitch	Approved on 8 <sup>th</sup> March 18

3. Correspondence

T&MBC Planning List 'B' No's 18/10 & 18/11

The meeting closed at 1.25pm

.....Chairman

.....Date

TM/17/03506/FL  
Southview, Kemsing Road

New double storey side extension, single storey rear extension and alterations to parking and hard landscaping

The minor amendments proposed and the introduction of brickwork to reduce the starkness of the weatherboard façade, are not sufficient to change the opinion of Wrotham Parish Council from our original submission:

Objection, the proposal would result in a building that would be discordant with surrounding dwellings.

The proposed extensions, by virtue of their size, location, orientation, form and choice of external materials would fail to respect the site and its surroundings and would not conserve or enhance the natural beauty of the Kent Downs Area of Outstanding Natural Beauty in which it would be located.

The proposed extensions would, through their form, scale and proportions, result in harm to the character of the building, contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

# Wrotham Parish Council

Lesley Cox

Clerk

Telephone 01732 886139

Email – wrothampc@btinternet.com

PO Box 228

Sevenoaks

TN13 9BY

Ref: Planning Consultation

Date: 19 March 2018

Planning Application Reference 18/00438/LDE

Address Unit 7 Invicta Business Park London Road Wrotham TN15 7RJ

Proposal Lawful Development Certificate Existing: Use of land for the storage of planting machinery and associated items and the construction of a hard surface area

Decision Objection

Comments :

## 1.0 Introduction

1.1 The applicant is essentially making two claims in this application for 'lawful development' which is on the basis of the use and works having continued unhindered for over 10 years

- a. The construction of a "hard surface area".
- b. The use of the area for storage of plant and associated items.

1.2 Item 1.1a is further amplified by the following statement in DHA's Support Letter.

*"As part of the use of the land a hard surface area has been constructed on the land as shown cross hatched on drawing DHA/10836/02. The hard surface area is constructed of concrete and compacted stone/hardcore and covers an area of approximately 1840 square metres". Ref: DHA Support Letter*



Photograph of the unfenced area in front of the entrance gates taken on the 18 February 2018

## 2.0 Site Characteristics

2.1 The two photographs show caterpillar tracks etched deep in the mud of the open area that DHA support letter alleges is *"constructed of concrete and compacted stone/hardcore"*.

2.2 WPC decided to ask a Chartered Civil Engineer with 25 years experience of highways and hard surface construction and maintenance for his expert opinion as to the veracity of the claim. We attach his report in Appendix A.

### 2.3 Summary of Report Conclusions

1. Only around 20% of the land is of level hard concrete.
2. Approximately 80% of the land does not have a hard surface constructed of concrete.
3. There are no kerbs.
4. There is no surface water drainage.
5. The Environment Agency requires vehicle and plant stores over 800m<sup>2</sup> to have surface drainage with interceptors to prevent contamination of the ground water. There is no evidence of these being in situ.



Photograph of the unfenced area taken on the 18 February 2018.

2.4 A walk across the unfenced area results in Wellington boots being covered in mud. If the first photograph is examined a series of pallets have been laid to form a path to assist pedestrians to get out of the entrance where the mud and standing water are deepest. It is self evident to anyone who attends the site that there is no hard standing to the majority of the areas it is claimed.

2.5 The Parish Council has no knowledge of how long the land has been used for the storage of plant.

## 3.0 Policy

3.1 WPC draws the LPA's attention to the following advice.

*"An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate."*

**Ref: NPPG-Paragraph: 005 Reference ID: 17c-005-20140306 Revision date: 06 03 2014**

*"The grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements such as the Building Regulations 2010, or the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) or other licensing or permitting schemes."*

**Ref: NPPG-Paragraph: 004 Reference ID: 17c-004-20140306 Revision date: 06 03 2014**

## **4.0 Conclusions**

4.1 An expert witness has concluded that the land in the application does not conform to the hard standing claimed. That is not to say that the witnesses were untruthful in any way. It infers that the applicant put down something inadequate to any definition of the phrase, *"The hard surface area is constructed of concrete and compacted stone/hardcore and covers an area of approximately 1840 square metres"*.

4.2 Clearly this application does not conform to the test of *"An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates"*. For this reason alone, this poorly contrived application that is patently factually incorrect should be refused.

4.3 Any grant of a certificate can only pertain to planning legislation. It is clear that there are complex environmental issues that also need to be explored.

4.4 In the event that this or any future consent is considered then there must be strict regulation of the site within current environmental and Building Regulation legislation. The applicant must not continue to use the area until all necessary regulation is complied with.

4.5 WPC is not persuaded that the extent of the unfenced land to the rear of the site can be justified by the evidence provided and reserve the right to provide future evidence in this regard.

4.6 The land outside of the site but within the ownership of the applicant should benefit from an agreed planting plan that returns the land to woodland to compensate for the recent tree felling. In addition there should be a conditioned maintenance plan that ensures the ongoing woodland habitat regime as long as any extension into the Green Belt and within the setting of the AONB is sanctioned and utilised.

## **5.0 Appendix A – Expert witness report**

**Report  
Of  
David John Beach**

**Specialist Field:** Civil Engineering Highways and Hard Landscaping

**Subject:** Planning Application 18/00438 Unit 7 Invicta Business Park, London Road, Wrotham,  
Sevenoaks Kent TN15 7RJ.

**Proposal:** Application for a Lawful Development Certificate.

**Description of Use, Operation or Activity:** Use of land for the storage of plant machinery and  
associated items and the construction of a hard surface area.



## **1.0 INTRODUCTION**

### **1.1 Formal Details**

My name is David John Beach. I am a retired Chartered Civil Engineer. My particular expertise relates to the construction and maintenance of highways and hard landscaped surfaces where I have in excess of 25 years experience.

Before retirement I was the Managing Director of T. E. Beach (Contractors) Ltd. The nature of the business was that of Civil Engineering and the Company specialised in Highway maintenance and construction for local authorities and councils.

### **1.2 Instruction**

Wrotham Parish Council instructed me to provide a view on the statement contained in dha planning's letter reference DHA/ERP/10836 dated 20 February 2018, and submitted as a document with application 18/00438/LDE, Unit 7 Invicta Business Park.

*The statement says: 'As part of the use of the land a hard surface area has been constructed on the land as shown cross hatched on drawing DHA/10836/02. The hard surface is constructed of concrete and compacted stone/hardcore and covers an area of approximately 1840 square metres'*

The instruction was taken on a no fee basis.

### **1.3 Disclosure of Interests**

I am an elected member of Wrotham Parish Council.

### **2.1 Documents Consulted**

The following documents have been consulted.

Planning application 18/00438/LDE and 14 documents associated with the application.

The Building Regulations 2010, Drainage and Waste Disposal, Approved Document H 2015 edition

Department for Environment, Food & Rural Affairs and Environment Agency, Pollution Prevention for Businesses, Published 12 July 2016

Design Manual for Roads and Bridges, The Highways Agency, Volume 7 Section 2 Part 3 HD 26/06 Laybys and Hardstandings

### **3.0 Technical Investigation**

I visited the application site on 11<sup>th</sup> March 2018. This was an inspection externally from ground level.

#### **3.1 General Facts arising from the inspection**

##### **3.1.1**

The application site lies to the side and rear of unit 7 Invicta Business Park. It is an open area of land with no permanent structures.

##### **3.1.2**

The site is divided into two areas by metal fencing and gates. The line of the dividing fence runs approximately from the south west corner of unit 7 to the west boundary of the application site. The line can be identified on drawings DHA/10836/01 and DHA/10836/02.

##### **3.1.3**

The area to the north of the dividing fence is bounded by metal fencing, gates and the flank wall of Unit 7. This area has a level hard concrete surface and represents approximately 20% of the total application site.

##### **3.1.4**

The area to the south of the dividing fence is unfenced and has unmarked boundaries to the east and south. The west side of the site is bounded by a line of trees.

The surface of this area is a mixture of stone, hardcore and sub soil with some vegetation. To establish a more precise make up of the ground trial holes would be required.

Excavator track indentations could be identified in the surface. The surface did not appear level and there were puddles of water.

There were no kerbs marking the edge of the area and there appeared to be no provision for surface water drainage. This area represents approximately 80% of the application site.

## 4.0 Opinion

### 4.0.1

The instruction asks for an opinion on the following statement:

*'As part of the use of the land a hard surface area has been constructed on the land as shown cross hatched on drawing DHA/10836/02. The hard surface is constructed of concrete and compacted stone/hardcore and covers an area of approximately 1840 square metres'*

The cross hatched area on drawing DHA/10836 covers the whole application site.

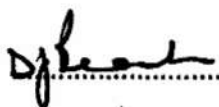
### 4.0.2

The site is divided into two areas by metal fencing and gates. The area to the north of the dividing fence has a level hard concrete surface which covers approximately 20%, (370 square metres) of the total application site.

### 4.0.3

The area to the south of the dividing fence, in my opinion does not have a hard surface constructed of concrete. This area represents approximately 80% of the application site. Application 18/00438/LDE states that this area is being used for the storage of plant, machinery and associated items.

The Environment Agency suggests that any site with a risk of oil contamination, such as vehicle maintenance areas or car parks larger than 800 square metres, should have an oil separator (interceptor) or other device to remove oil from water draining off hard surfaces. There does not appear to be surface water drainage on this area of the site that meets the requirements of the Environment Agency.

 22/3/18

David Beach BSc(Hons), C Eng, MICE