

20240544: Land to East and West of Gold Street, Sole Street, Nr Cobham, Kent, DA12 3AA

Application to determine if prior approval is required for a proposed; Erection of a winery building and hardstanding for Agricultural or Forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6.

Updated Representation Statement

October 2024

Updated Statement

1. It should be noted that this Representation Statement has been updated following the receipt of comments from the County Highway Authority - Kent County Council Highways - on 17th October 2024. For ease of reference these comments are provided at **Appendix A**.
2. KCC Highways state that they have little information on which to base their judgement of the proposal.
3. KCC Highways go on to state that it is unusual for them to provide comments on a Prior Approval application. The fact remains that KCC Highways have been asked to provide very basic comments because access, traffic and transport matters are fundamentally central to the proposal, and completely lacking in detail from the submitted application.
4. We remain strongly of the view that a full Change of Use Planning Application is required because of the high content of traffic and transport matters, and a failure under the Prior Approval process for both Gravesham Borough Council and by association Kent County Council Highways to hold the applicant to account on such matters. One such example is vehicular access - where it is now proposed a brand new vehicular access will be created. Yet such detail is missing completely from the Prior Approval's written description, not mentioned at all in the Planning Statement or detailed on any of the Proposed Drawings. We find this approach totally disingenuous. It is a straightforward fact that any competent application would not seek to withhold information or be obtuse, unless there was good reason to hide troublesome detail.

Introduction

5. This Statement has been prepared by Transport Dynamics on behalf of a collective of neighbours led by [REDACTED] the application site.
6. Gravesham Borough Council planning application reference 20240544 is an application to determine if prior approval is required for the proposed erection of a winery building and

hardstanding for agricultural or forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 6 at land to the east and west of Gold Street, Sole Street, near Cobham, Kent, DA12 3AA. The application site has a long planning history, and this Prior Approval application represents the fourth attempt at seeking to obtain approval for development at the application site. The application site is located in a National Landscape subject to the highest status of protection under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 2000).

7. This is a second representation statement which responds directly to a Transport Statement commissioned by the applicant from GTA Civils & Transport, a well respected consultancy, and submitted on Wednesday 2nd October 2024.
8. Prior to this time none of the previous three applications have benefited from supporting traffic and transport advice. But it should be noted that despite traffic and transport matters featuring so prominently within this planning application and being critical in order to allow vehicular access to the proposed winery, no separate and supporting traffic and transport advice was submitted as part of the original planning application until now. This marks out this Prior Approval application as weak and seeking to obfuscate around the real intentions behind the scheme.
9. The application, as detailed through our previous forensic approach, has been consistently and deliberately obtuse on traffic and transport matters. Even now the applicant's recently submitted Transport Statement is vague on specific details, lacking in candour, and does not allow an assessment consistent with the duties under Section 85, CROW 2000. We say this approach to transparency and honesty by the applicant has been purposefully lacking throughout this application and all previous attempts in order to seek to obtain planning approval.
10. It should be noted that Kent County Council Highways (KCC Highways) have been consulted on this prior approval application, because highway, traffic and transport matters are central to the proposal. We say this should have happened previously so a full 360 degree review of the application could take place from the very beginning of the application..
11. For ease of reference and comparison this Statement follows the same subject order as the GTA Transport Statement.

Gold Street & Applicant ATC Speed Survey

12. To the east of the hamlet of Sole Street, Gold Street meets Sole Street (the public highway) at a priority junction. Gold Street runs towards Luddesdown in a southeast direction, passing between the proposal's Area 1 and Area 2, which form the combined application site. Gold Street then meanders via Henley Street towards Luddesdown.
13. Gold Street is undeniably narrow at places just 2.5m, for this reason has 'no HGV' signage and benefits from the national speed limit of 60mph for cars and light vans, and 40mph for HGVs and tractors. No street lighting exists, and no footways are present, making Gold

Street a hostile environment in darker autumn and winter months especially for pedestrians, but also cyclists.

14. The highway is relatively lightly trafficked. Equally poor forward visibility and a narrow carriageway width present an even greater threat to pedestrians with no place of refuge on a national speed limit public highway.
15. A 7.5t weight limit applies to Gold Street for the Network Rail overbridge over the North Kent Coast Mainline. This means that all Heavy Goods Traffic has to arrive and depart the application site via the Sole Street junction.
16. Forward visibility is limited with road signage to inform motorists of this for a length of $\frac{3}{4}$ of a mile. Due to the single file historic nature of the carriageway verges are worn where vehicles struggle to pass each other. Only one actual passing place exists between the northern start of Gold Street and the application site, thereby requiring vehicles to reverse up to 125metres. The same is true for the entire route to Luddesdown and vice versa. It should be noted no swept path analysis has been provided by the applicant showing vehicles passing each other and making use of Gold Street. We have produced swept path analysis, provided at **Appendix B** which details how difficult it is for large vehicles to pass each other and how unsuitable Gold Street is.
17. As befits its nature Gold Street is entirely unsuitable for additional traffic in the form of either short term construction traffic or long term viticulture traffic related to the application site as proposed now. In the future when an expanded enterprise is proposed with a visitor, tasting and tourism centre are put forward, as all wineries do, Gold Street will be even more unsuitable due to high volumes of traffic.
18. It is noted that an ATC speed survey was undertaken between Thursday 5th September and Wednesday 11th September 2024. During this time Henley Street (which Gold Street becomes in the south towards Luddesdown) was closed. This **invalidates** the survey data because 'no through route' was possible on Gold Street which is why exceptionally low levels of vehicular traffic were recorded. This is a very important point because the speed data forms the premise of all arguments made within the applicant's recently submitted Transport Statement.
19. Given the rural nature of the application site it is best practise to undertake such a speed survey for at least 14 days to provide a longer snapshot of typical traffic conditions. Seven days is simply not enough for such a location.
20. Of course, it should be noted that the ATC speed survey data fails to take into account the future increase in traffic as a direct result of the proposal at the application site on Gold Street. More two-way traffic will result in higher average speeds and logically a greater number of conflicts as vehicles pass each other on what is undeniably a narrow public highway with no footways, no street lighting and one single passing place.

Existing Agricultural Field Access

21. With the exception of 20230899 which made no reference to vehicular access at all, all of the previous three applications relied on vehicular access "*initially*" being provided by

an existing agricultural field gate, which is the sole means of access to Area 1. This means that it has always been the intention of the applicant to bring forward improvements to access, but only now in a tight corner has this been admitted to. The obfuscation and lack of transparency is clear for all to see.

22. The existing agricultural field gate has a width of 4m and is located adjacent the priority junction of Gold Street and Batts Road. The gate line is set back just 2m from the back of the public highway, resulting in the requirement for vehicles to be temporarily static, straddle and block the public highway while the gate is opened or closed in order to reach or leave Area 1. In doing so a highway safety hazard is created for other road users on a public highway with limited forward visibility, which possess the national speed limit, no street lighting and a narrow carriageway.
23. No bound surface exists at the field access and leading into Area 1 no hardstanding or metalled access track is present. Ground conditions therefore will be problematic during a wet autumn, a saturated winter and an inclement spring.
24. The arrangement of the gate line while in keeping with the hedge line is acute. This fact together with the narrow width preclude both articulated and rigid Heavy Goods Vehicles from turning to enter or exit Area 1. In addition, the gateline is too narrow to allow two-way vehicular access. No swept path analysis has been provided of the existing vehicular access, not just for this Prior Approval application, but for all.

Future Northern Vehicular Access

25. Because the existing field access which all previous applications have relied on is insufficient and unworkable for the reasons detailed previously by Transport Dynamics, a new vehicular access is now proposed to the north of the existing access and closer to the residential properties which border the application site. This represents a deviation from the original planning application. Were the existing vehicular access suitable then a new access would simply not be required.
26. Such a proposal has not been clearly detailed at all within the Prior Approval application. It is neither mentioned in the Prior Approval worded description, the Planning Statement or through the submission of drawings detailing the creation of a new access as part of the formal Prior Approval. This is disingenuous and misleading, but only now is apparent as the applicant is being held to account. This example alone confirms why a full change of use application is required, because traffic and transport matters are critical to the proposal.
27. At the same time while visibility splays for the new vehicular access have been provided these are based on the speed survey data which due to the Henley Street road closure is invalid. It is also noted that the Extent of Public Highway data has not been provided or features as part of the access design and therefore it cannot be clearly identified that the proposed (invalid due biased traffic survey data) visibility splays can be achieved in applicant or public highway land.

Public Right of Way NS190

28. Public Right of Way Route NS190 passes through Area 1 departing Gold Street just 24m to the north of the existing field agricultural access and passing diagonally to a footbridge over the North Kent main rail line.
29. As a result of the proposal and the requirement for vehicular access making use of the current access to Area 1 PROW NS190 and those who make use of it will be impacted by the proposal, as will the ground and surface pertaining to this route which will be disturbed, along with a level of traffic introduced which previously has not been present and largely comprising of Heavy Goods Vehicles even with a relocated northern vehicular access.
30. It is noted that for all of the previous Prior Approval applications submitted to GBC for this proposal, Kent County Council have not been consulted on any application relating to the PROW. When matters were raised with the KCC PROW team they had significant concerns. No attempt by the applicant has been made to address the issue or mitigate the impact of the proposal. It is argued that Gravesham Borough Council themselves are not best placed to make a critical judgment on KCC PROW matters, as has been identified.

Modal Choice

31. While bus and train services can be found at Sole Street and are located some way from the application site, Gold Street does not possess any on street footways and has no street lighting.
32. The proposal and application site cannot be said to be accessible in traffic and transport terms.
33. The application site is in a totally unsustainable location with all trips having to be made by private vehicle with the absence of a safe means of access for pedestrians, and to a lesser degree cyclists.

Characteristics of the Local Highway Network

34. As already detailed Gold Street is narrow and unsuitable for overly large vehicles and Heavy Goods Vehicles.
35. Large vehicles becoming stuck on Gold Street are a regular occurrence, as detailed at **Appendix C**, but most incidents do not usually require Police attendance. For this reason they do not feature in terms of official Kent Police records. Further photographs also provided at **Appendix C** show how narrow Gold Street is for the existing level of traffic.
36. Quite simply if HGV traffic were not problematic then the County Highway Authority would not have installed signage to prevent use of Gold Street by HGVs.
37. Within the applicant's Transport Statement regular mention is made of the low levels of traffic recorded from the ATC survey data. As established Henley Street was closed during

the duration of the speed survey which invalidates the data recorded, and this is in fact why traffic levels are very low and trips by HGVs on Gold Street are low.

Internal Access Arrangements, Servicing, Parking

38. As with previous information submitted there are scant details relating to internal access arrangements at the application site, servicing provision, vehicle parking, cycle parking and electric vehicle charging details. In fact no information is provided whatsoever. This is convenient to hide the true scale of the proposal.
39. This is not normal or standard practise. Full design details are required for such a proposal to detail the ability for vehicles to enter and exit in forward gear and for there to be sufficient servicing ability, vehicle parking and general arrangements.
40. Waste and refuse will need to be collected by a refuse freighter and it is a standard requirement in Kent for any application to detail swept path analysis making use of the largest refuse vehicle possible being a 4 axle 11.3m rigid HGV. This has not been undertaken.

Operational Traffic & Traffic Generation

41. We note that the Trip Generation has been based on a 'First Principles approach' due to the lack of TRICS trip generation comparison sites and data available for assessment. Because of this we would suggest that a similar sized winery to that proposed for the application site should be subject to an independent traffic survey along with photographs presented to show servicing and delivery vehicle type and composition. This will allow the creation of an independent data set relevant to the proposal and with the correct type and frequency of servicing and delivery vehicles, rather than small vehicles chosen to be convenient to the application site's constraints.
42. Use of a First Principles approach is very convenient when attempting to defend a relatively indefensible proposal such as this Prior Approval application. Due to bias it is all too easy to produce a First Principles approach which fits the narrative being defended, rather than being realistic and truthful.
43. We note that Table 3.1 of the applicant's Transport Statement detailing the typical weekly commercial movements associated with the application site does not detail;
 - Any Royal Mail or courier deliveries
 - Commercial waste and refuse trips
 - By-product removal related trips
 - Production / Cleaning / EHO site visits and inspections
 - Trips related to grass cutting / vine maintenance of Area 1 or other landholdings
 - Trips related to Area 2

- Trips related to other landholdings close by to the application site
 - Trips related to admin / office / sales staff
 - Trips related to the sale of the final product (..how does it leave the site?)
 - Trips related to any third party growers who will make use of the facility*
44. It is noted that once fully established the vineyard has the ability to produce up to 60,000 bottles of wine per annum, being just 45,000 litres. This is considered a low volume for such a winery. This has been independently validated by Stephen Skelton (please see separate document) where it is expected up to 150,000 bottles per annum will be produced.
45. In terms of vehicle composition, it is completely unrealistic to suggest that no Heavy Goods Vehicles will ever be used in servicing the application site and instead reliance will solely be based on just 7.5t box vans. Once again this has been confirmed independently by Stephen Skelton.
46. The winery will have absolutely no control over suppliers or the type of fleet vehicles that they will operate now or in the future.
47. Smaller vehicles result in a greater number of vehicle trips, again not represented in Table 3.1, and are inefficient as they cannot service multiple customers, instead requiring one-off trips to the application site only. Equally is it unlikely that that just eight 7.5t box vans can transport 60,000 bottles.
- *As identified previously, having created such a winery it therefore would be a natural development to sell production space to third parties who do not have a winery and bottling facility, resulting in even more vehicular traffic generation which is clearly not detailed in Table 3.1.

Future Tourism Traffic Generation and Enterprise Expansion

48. Once such a vineyard and working winery is established it is a natural progression for the commercial enterprise to want to open to members of the public, be that every day for direct sales or for specific open days for wine tasting, coach parties and/or private hospitality events.
49. Of course no details of such future tourism or visitor attraction opportunities is explicitly detailed within the Planning Statement or recently submitted Transport Statement, but some detail is provided within the Executive Summary (Page 2) of the Vinescapes Winery Scoping Report, as follows;

Please note that the area requirement calculations herein do not include any public/commercial areas as these will be determined by the business proposition with regards to potential 'visitor' numbers and commercial offering. However, as previously discussed there is a great potential to integrate tasting facilities into the winery.

50. As can be seen an intention exists for such 'wine tourism', which itself would result in General Public car borne traffic generation using Gold Street, but for which no details or information has been provided as part of the Prior Approval submission.
51. It should also be noted that the application site is inaccessible to public transport and sustainable modes of transport and no footway or street lighting exists along Gold Street. Therefore, all such visitors would likely arrive by private vehicle exacerbating existing conditions on Gold Street.
52. In terms of enterprise expansion surrounding land may already be owned by the applicant but does not feature as part of this application in order to conceal the extent of the potential future operations. If that is not the case over time through land assembly adjacent farmland may become available for purchase and planting, thereby increasing commercial winery activity and production along with correlated traffic generation.

Future Vehicular Access Arrangement

53. A common theme now saliently established is that scant traffic and transport detail has been provided and submitted as part of the application for prior approval. While this has been supplemented by a recent Transport Statement it is quite clear to see that transparency and candour are not in action.
54. This of course is purposeful and designed to avoid the need for a full change of use planning application, during which the full weakness of the proposition would be analysed and exposed. But the weaknesses and deceit are clear for all to see.
55. As detailed by this statement use of Gold Street is incoherent, illogical and unworkable not only for short term construction traffic but also for the long term viticulture and enterprise traffic.

Summary & Conclusion

56. This second Statement has been prepared by Transport Dynamics on behalf of a collective of neighbours led by [REDACTED] to the application site. It has been updated following receipt of some basic Kent County Council Highway comments.
57. Gravesham Borough Council planning application reference 20240544 is an application to determine if Prior Approval is required for the proposed erection of a winery building and hardstanding for agricultural or forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 6 at land to east and west of Gold Street, Sole Street, near Cobham, Kent, DA12 3AA.
58. This application is the fourth in a series of extremely similar Prior Approval applications submitted over the last 12 months. All four applications relate to a winery of differing floorspace ranging from 635sqm up to 972sqm, and a usually vague and mythically low amount of hardstanding.

59. But all four applications are similar for another reason – they are all deficient in details relating to access, traffic and transport matters. Only now, eventually, at this late stage has a Transport Statement suddenly been submitted to try to support this fourth proposal. Any credible applicant would have provided such a Transport Statement in the very beginning and would have been open and honest about the proposal.
60. We have simply highlighted the inadequate submission documents, multiple approaches and exiguous detail, simply highlighting a tawdry disingenuous approach that lacks total credibility, candour and honesty in order for the proposal to slip below the ‘prior approval radar’ so as to evade the highest degree of protection conferred under the National Landscape designation of the application site.
61. This second representation has focused on the key important access, traffic and transport elements that the Prior Approval application has not been assessed on, either individually or collectively, by the County Highway Authority, until now. Further, and as a corroborated by widespread, major public concern evident in several hundred objections lodged with Gravesham Borough Council, in regards to access, traffic and transport elements, also highlighted in this report, there are significant adverse effects, including highway safety impacts, on the Public Right of Way Network, and wider effects that do not conserve or enhance the National Landscape.
62. We have found through forensic and extensive review that Prior Approval should not be given and that a full, robust and wholesome traffic and transport submission should be made as part of a full Planning Application should the proposal be resurrected for a fifth time.

Appendix A



Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Highways and Transportation

Kroner House
Eurogate Business Park
Ashford
TN24 8XU

Tel: 03000 418181

Date: 17 October 2024

Our Ref:

Application - GB/20240544

Location - Land At Cobham House Vineyard, Gold Street, Cobham, Gravesend Kent

Proposal - Application to determine if prior approval is required for a proposed; Erection of a winery building and hardstanding for Agricultural or Forestry use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Firstly I would like to point out than under our protocol arrangements Kent Highways would not normally respond to consultation requests for minor proposals on unclassified road such as this. However, I will provide you with a few informal comments in view of the major response you have had to this application.

Secondly, this is a Prior Approval application submitted under Schedule 2, Part 6 of the GPDO which I understand only considers the siting, design and external appearance of the building and access and traffic generation matters are not up for consideration. Because of this, no transportation details such as means of access, vehicle numbers and types, access road issues etc. were not submitted with the application. I therefore have little information to base any highways impact on.

However, I note that the applicant has submitted a "Rebuttal Statement – Highways and Transport" produced by GTA Civils and Transport dated September 2024 which contains some brief information on which I base my comments.

The application building is to be accessed off a minor unclassified lane, Gold Street which is relatively narrow in width, and which has limited forward visibility and is subject to the national speed limit of 60mph. A traffic survey taken in September 2014 indicates that 85th %ile speeds on the lane are low with measured speeds of 23 / 21 mph in each direction. There appear to be adequate passing places along the road to enable larger vehicles to pass.

The number of vehicles using Gold Street currently is also relatively low with the survey indicating an average total of 497 two-way movements per day and peak flows of 10 vehicles

per hour eastbound and 15 – 20 vehicles per hour westbound during the peaks. These numbers are considered to be low even considering the type of road.

Taking the above measured speeds, it is expected that visibility splays of 2.4m x 30m in both directions with no obstructions over 1.05m high. These splays would be achievable since the land alongside Gold Street is under the control of the applicant although some hedge trimming may be necessary.

There are no personal injury crashes recorded on any of the local roads in the last 5 years so it is not considered that poor highway safety is currently an issue.

The likely traffic generation and distribution from the proposed development is not available in the applicant's submitted information although the GTA report has suggested that the TRICS database could provide an indication, although little relevant data is available. The traffic generation is likely to vary according to the season with September / October being the busiest time. It is not anticipated that vehicles exceeding 7.5 T are to be used.

I do have concerns regarding the unsustainable location of the site, but this is a rural activity that is proposed. If this were a full planning application I would expect to see a Travel Plan being submitted with the application with possible a suggestion that a mini-bus shuttle is provided to transport employees to and from the nearby public transport hubs.

In conclusion, and accepting that little information is available from the applicant on transportation matters, I would not expect to raise an objection to this application if it were a full application but this is totally subject to the receipt of further information regarding traffic movements from the applicant.

I hope that this information is of assistance to you.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs

or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

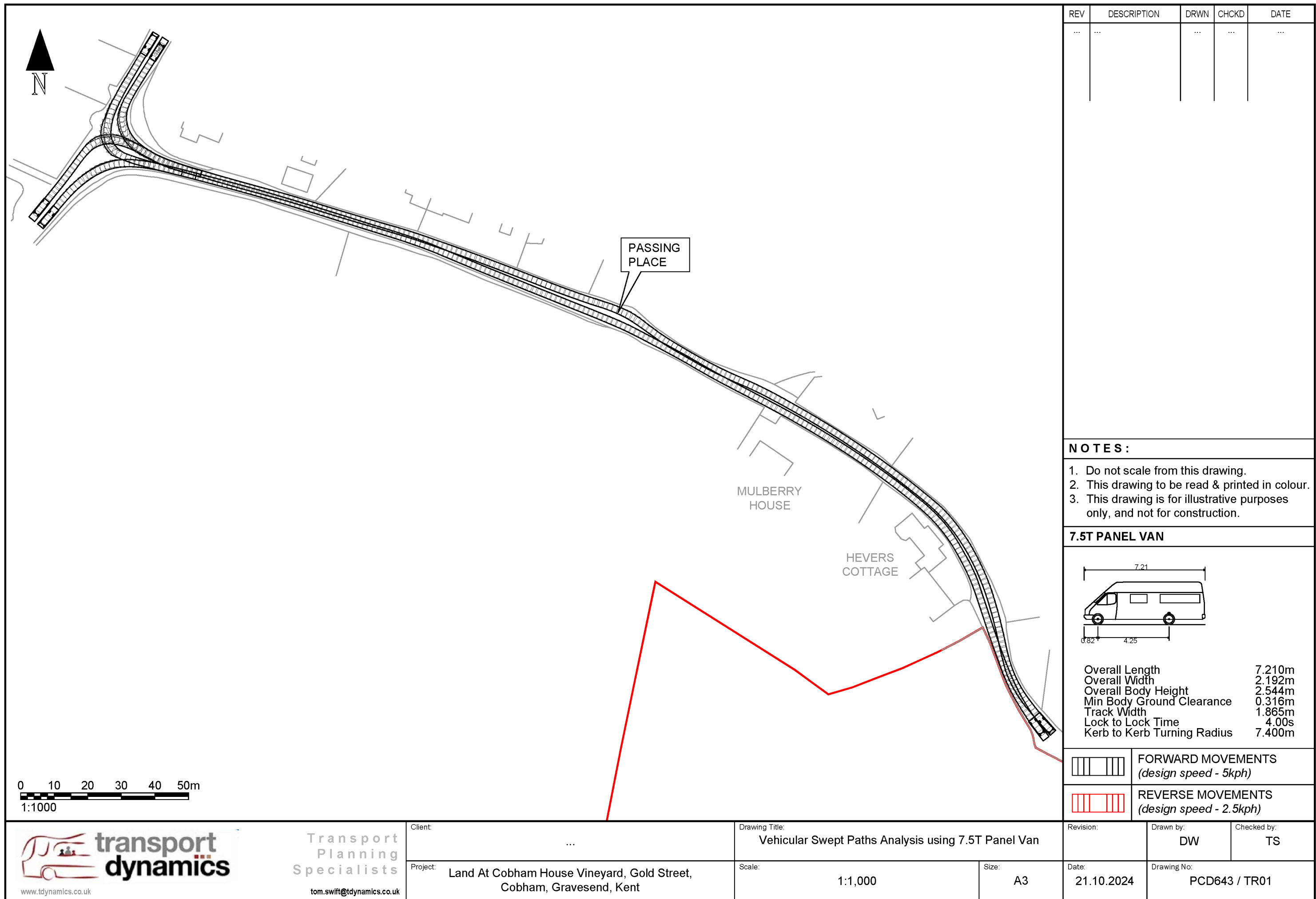
<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

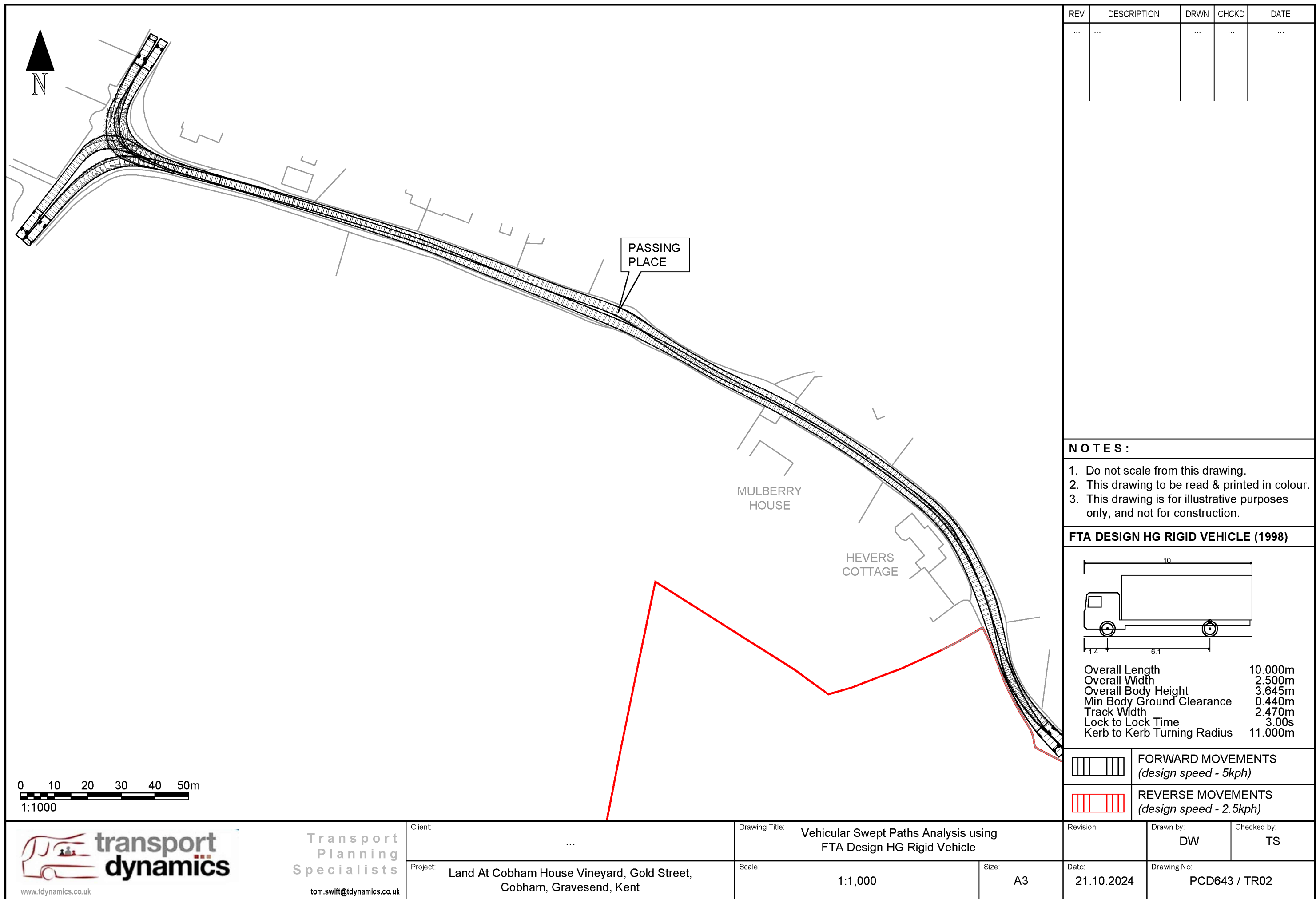
Yours faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

Appendix B





Appendix C



Drawing Title

Gold Street - Condition Photographs

Examples of congestion when large vehicles become lodged



Job Title

Gold Street, Sole Street

Scale:

N.T.S

Drawn by:

T.W.S

1st Issued: Oct 2024

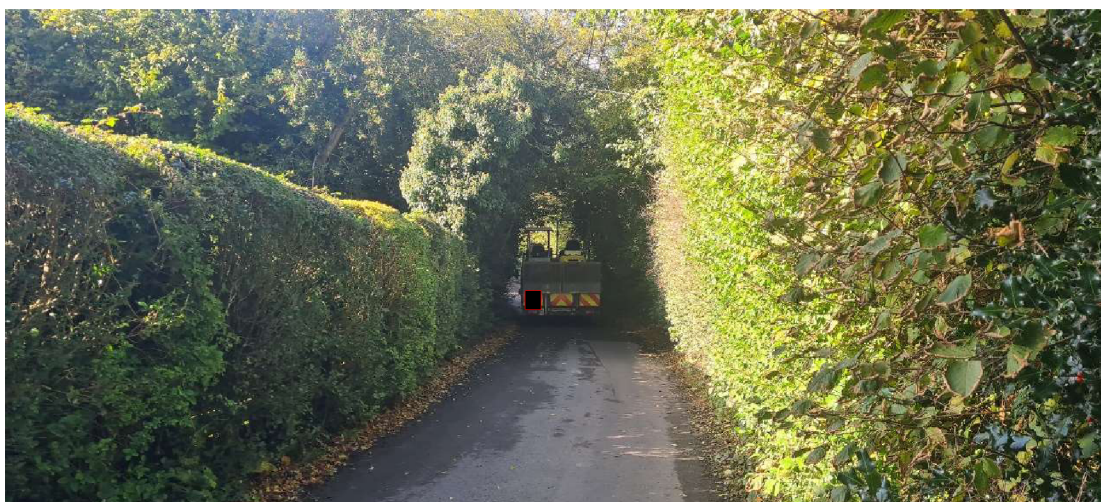
Job No: PCD 643

Org No:

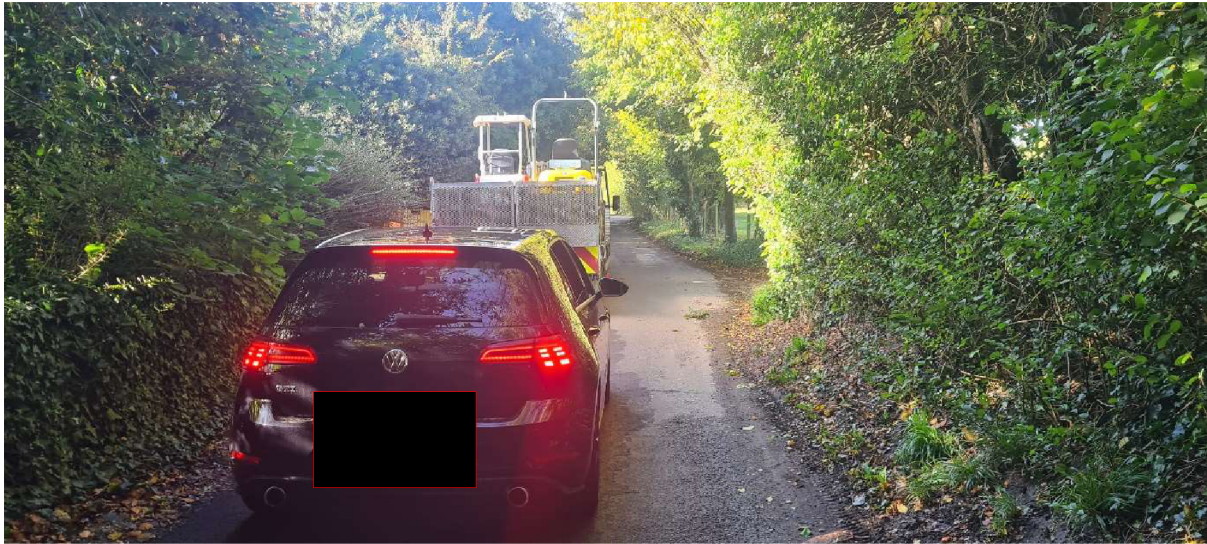
Figure 1



Unpassable at Hevers Cottage.



From Hevers Cottage to Mulberry House no passing opportunity exists.



Insufficient width to pass in front of Mulberry House using the public highway.



Vehicles cannot pass.



No passing at these locations.



The only possible passing point.



Closer view of the previous picture.



Only area where vehicles can pass. Note – there are no further passing places.





Cannot pass here if any vehicle larger than a car is considered





