

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.

Representation Statement

July 2024

Introduction

1. This Statement has been prepared by Transport Dynamics on behalf of a collective of neighbours led by [REDACTED] who reside adjacent the application site.
2. 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.
3. The site lies to the east of Sole Street, a hamlet located five miles to the south of Gravesend, Kent. The application site is reached via Gold Street, which meets the public highway known as Sole Street at a priority junction. The site is located within the jurisdiction of Gravesham Borough Council (GBC) and the County Highway Authority is Kent County Council (KCCH).
4. The land holding is newly formed with the application site consisting of farmland split into two areas, with a combined total of 11.51 hectares. Area 1 (6.75ha) is located to the west of Gold Street, while Area 2 (4.76ha) is located to the east of Gold Street. The holding is now a planted vineyard, with phased planting having taken place over recent years and into Spring 2024. Historically the land has been under orchard use since the 1960s.

Brief Planning History & Highways Context

5. Prior to this application for prior approval (20240544), three other prior approval applications have been made;
 - **20230899** – validated 24.08.2023, but refused 20.09.2023, sought approval for a winery building of 972sqm in a northern section of Area 1. The Delegated Officer Report stated; *“Furthermore, the building would require an access road and in all likelihood a surrounding hardstanding, the details of which have not been provided by the applicant. Therefore, it is for the applicant to demonstrate why the proposed building is required to be sited in this location and if so, how any adverse impacts to biodiversity would be mitigated. In the absence of this,*

there could be adverse impacts to biodiversity potentially contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (LPCS) (2014)." Kent County Council Highways were not consulted for this application.

- **20231258** – validated 07.12.2023, (initially) granted consent 03.01.2024, sought approval for a winery building of 864sqm in a northern section of Area 1. This application sort to reuse an existing field access. The Planning Statement at Paragraph 1.13 stated *"The overall scale of vehicle movements to the barn will be low and the existing field gate will initially be used to access the field and barn"*. Use of the word *"initially"* should be noted, no supporting traffic and transport statement was issued, and Kent County Council Highways were not consulted meaning that access, traffic generation and the overall highway impact of the proposal were not considered. While this application was granted consent, through a successful judicial review the consent was quashed.
- **20240375** – validated 23.04.2024, refused 20.05.2024, sought approval for a winery building of 635sqm and hardstanding of 110sqm in a southern section of Area 1. This application sort to reuse an existing field access. The Planning Statement at Paragraph 3.16 detailed *"The overall scale of vehicle movements to the barn will be low and the existing field gate will initially be used to access the field and barn"*. Use of the word *"initially"* should be noted, no supporting traffic and transport statement was issued and Kent County Council Highways were not consulted resulting in access, traffic generation and the overall highway impact of the proposal not being considered. The internal access road for this application would be located in front of the plant screening area.

6. For each of the three previous prior approval applications it is understood that Gravesham Borough Council took the view that under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that as the buildings were not within 25m of a public highway then access, traffic and transport were not directly relevant matters. The impact of the Public Right of Way was also not considered in the majority of applications and no consultation with KCC PROW Highway Officers was sought in any application.
7. But access, traffic and transport matters are in fact critical, as is the siting of the overall proposal. Because Kent County Council Highways as the County Highway Authority were not consulted on any of the three prior approval applications, KCCH have not been in a position to provide written feedback as the highway authority.
8. Therefore, the following important access, traffic and transport elements which while taken singularly are substantial and would require KCC Highways consideration, have in fact never been considered individually or collectively;
 - The characteristics of the local highway network and access to public transport;
 - Existing agricultural field access, suitability & highway safety;
 - Area 1 internal access, servicing, vehicle parking provision and relationship with Area 2;
 - Impact on Public Right of Way NS190;
 - Operational traffic generation, vehicle composition and linkage to Area 2;
 - Future tourism traffic generation and expansion; and
 - Future site vehicular access arrangements & visibility splay.

GBC Application 20240544 & This Representation

9. This representation is made against GBC application 20240544, which seeks prior approval for a winery building (645sqm) and hardstanding (205sqm) within a northern section of Area 1, the same location as previously proposed under 20231258 (the second prior approval application).
10. In terms of vehicular access an existing field gate from Gold Street is proposed for use "*initially*". Further as part of the submission documents there are no standalone access, traffic and transport supporting documents.
11. Specific details and commentary relating to access, traffic and transport matters have also curiously been omitted from the Planning Statement. This situation of course is convenient for the narrative of a schedule 2, part 6 prior approval, but disingenuous to truth and transparency.
12. However, a poor effort at cleansing the submission documents has been undertaken and various suggestions as to what will likely occur in the future are given from information found but not removed before submission.
13. This representation focuses on the key important access, traffic and transport elements that the application has not been assessed on, either individually or collectively, by the County Highway Authority. We find 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 Change of Use Planning Application should the proposal be resurrected for a fifth time.

The Local Highway Network & Access To Public Transport

14. To the east of the hamlet of Sole Street, Gold Street meets Sole Street (the public highway) at a priority junction.
15. Gold Street runs towards Luddesdown in a southeast direction, passing between Area 1 and Area 2, which form the combined application site. Gold Street then meanders via Henley Street towards Luddesdown.
16. Gold Street is undeniably narrow, has 'no HGV' signage for this reason, and benefits from the national speed limit of 60mph for cars and light vans, and 40mph for HGVs and tractors. No street lighting exists. No footways are present. Forward visibility is limited, and road signage exists 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. Very few passing places exist. The same is true for the entire route to Luddesdown and vice versa.
17. Gold Street is relatively lightly trafficked, but congestion is a problem when incidents occur on the M2, M25 and M20, with Gold Street used as a 'rat run' to avoid stationery traffic on the Strategic Road Network (SRN). Even without SRN incidents the public highway is known by KCCH for attracting HGVs which become stranded.

18. 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 as proposed application site and future expanded enterprise.
19. As noted Gold Street does not possess any footways for pedestrians or street lighting. The site is therefore inaccessible for both staff and visitors arriving on foot and is a hostile environment in darker autumn and winter months. 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.

Existing Agricultural Field Access & Suitability

20. With the exception of 20230899 which made no reference to vehicular access at all, each of the previous two applications relied on vehicular access “*initially*” being provided by an existing agricultural field gate, which is the sole means of access to Area 1. No record of planning consent for the access can be found. The gated access has been in situ for at least twenty years.
21. For 20240544 the proposed method of vehicular access to Area 1 is no different to the two previous prior approval applications.
22. This existing agricultural field gate has a width of 4m and is located adjacent the priority junction of Gold Street and Batts Road, in itself creating a highway safety conflict. 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 and blocking 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 possesses the national speed limit 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. No swept path analysis has been provided to demonstrate such manoeuvres.
25. It is incoherent, illogical and unworkable to suggest through the current field access that construction machinery (including excavators to dig out the now proposed winery basement) and all building materials for the winery and hardstanding can actually reach the intended construction site from Gold Street.
26. Furthermore, it should be noted that the access, however constrained, is located on Gold Street which possesses the national speed limit of 60mph thereby requiring clear visibility splays of 2.4m (set back) x 215m (distance) and 0.9m (height) over applicant owned or public highway land. This requirement clearly cannot be achieved, especially with the sloping topography of the area.

Area 1 Internal Access Arrangements, Servicing, Parking and Area 2 Relationship

27. As with the aforementioned traffic and transport matters, the submitted supporting documents for 20240544 are scant on detail relating to internal access arrangements, servicing provision, parking detail and the relationship to the wider land holding which so far is identified as Area 2 only.
28. Given existing ground conditions and to allow all year round use, Area 1 will require a network of bound surface access routes along with drainage design which can accommodate heavy goods vehicles and agricultural traffic both in physical dimension and laden weight requirements.
29. Additionally, all vehicles will be required to arrive and depart the application site in forward gear, therefore a requirement for servicing and turning facilities to be present within Area 1 exists.
30. Taking a direct route from the existing field gate access, which previously has been established as being entirely incoherent, illogical and unworkable to the proposed winery building has a distance of 220m. With a minimum width of 3.5m for a single access only route creates a requirement for 770sqm of hardstanding as an absolute minimum, this alone is 565sqm greater than the amount stated as part of the prior approval proposal.
31. However a direct route is unlikely to be feasible because of the requirement for visual screening and the topography of Area 1, while wider sections for corners and passing places will also be required. In addition, substantial areas for a turning circle or turning head and unloading/loading bays for servicing will be required. In addition, parking spaces will also be required for the winery facility as well as vineyard operatives. Documents to Cobham Parish Council have suggested that up to 15 employees will be present. The level of hardstanding required to facilitate clear demand will therefore be extremely significant.
32. Area 2 is accessed by a field gate off Batts Road, which is a single track public highway with signage stating no passing places for $\frac{1}{2}$ mile. The vehicular access for Area 2 is 350m from the access for Area 1 but possess exactly the same unworkable credentials and constraints. No details are provided about an all weather and all year hardstanding, and again would significantly inflate the totemic hardstanding surface area far beyond the thresholds for a Schedule 2, Part 6 prior approval application.

Public Right of Way NS190

33. Public Rights of Way (PROW) are administered by Kent County Council as the County Highway Authority.
34. Route NS190 passes through Area 1 departing Gold Street just 24m to the north of the existing field access and passing diagonally to a footbridge over the North Kent main rail line.

35. As a result of the proposal and the requirement for vehicular 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.
36. It is noted that for all of the prior approval applications submitted to GBC for this proposal, Kent County Council have not been consulted on any application relating to the PROW and 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 a KCC PROW.

Operational Traffic Generation, Vehicle Composition & Linkage to Area 2

37. As stated previously for application 20240544, along with the three previous applications no supporting traffic and transport information has been provided, and any detail that has been provided is purposefully scant, lacking in depth and credibility.
38. No details about likely operational traffic generation, traffic increase, vehicle composition or Area 1 to/from Area 2 traffic movements have been detailed or analysed by KCCH.
39. While the existing farmland under orchard use would have generated some agricultural traffic this would have been in relation to the growth and harvesting of apples only, being a seasonal fruit and not dissimilar to a standalone vineyard.
40. However, a commercial winery, while vertically integrated and centralised into the surrounding vineyard land holding is an entirely different and constant traffic generator. Such a facility will be operational 12 months of the year and require staff to keeping a 'watching role' outside of core work hours. There will be a presence and activity seven days a week.
41. While produce from the land holding will be harvested and processed, it will also be bottled stored and sold. Not only will this involve staff traffic movements, but it will also include the delivery of supplies used in the processing, production, storage and the movement of the final bottled product.
42. Further with an online internet trading operation it is also likely that regular courier and dispatch operations will take place. Even selling just one bottle of wine from the application site, but through a website, will generate one inbound and one outbound courier traffic movement.
43. The winery will also require an office function, with HR, logistics and accounts departments. This is in addition to farm labourers tending to the extensive surrounding land holding.
44. More importantly once a winery facility is established other small-scale producers who do not have an actual winery will have an opportunity to transport their harvest for processing at the application site, this will also involve deliveries of additional supplies; bottles, labels,

corks, packaging etc with the final third-party product exported from the site or even sold through the same trading operations but with a different brand. Such an occurrence would lead to an exponential growth in traffic generation.

45. Depending on the winery facility and function, it may also be possible to produce cider and other beverages. Once again adding to traffic generation through the same platform arrangements.
46. In terms of vehicle composition, other than staff movements, all such vehicles will likely be either large vans, Heavy Goods Vehicles or agricultural traffic. All such vehicles are large, slow moving and combust diesel resulting in emissions. Such vehicles are incompatible with Gold Street for the reasons set out previously.
47. It should be noted that the winery facility will act as a hub for the land holding. Trips will be made backwards and forward on the local highway network to the far reaches of the land holding for general viticulture duties, as well as vehicle storage, servicing, refuelling and general maintenance. All such trips are in addition to the existing orchard use of the land and through substandard field accesses. Conveniently no details have been provided and so interrogation and the full impact of the proposal cannot be ascertained either by GBC or KCCH.

Future Tourism Traffic Generation and Enterprise Expansion

48. Once a vineyard and working winery is established it is a natural progression for the enterprise to want to open to members of the public, be that every day for example for direct sales or for specific open days for wine tasting, coach parties and/or hospitality events.
49. Of course no details of such future tourism or visitor attraction opportunities is explicitly detailed within the Planning 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 car borne traffic generation, but for which no details or information has been provided as part of the prior approval application.
51. It should also be noted that the application site is inaccessible to public transport and sustainable modes of transport and no footway exists along Gold Street. Therefore, all such visitor would likely arrive by multiple private cars.
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. 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.
54. As detailed by this statement the retained vehicular access for Area 1 is incoherent, illogical and unworkable not only for short term construction traffic but also for the long term viticulture and enterprise traffic.
55. It is noted within the Chris Wood Acoustics Noise Assessment page 12, but provided at **Appendix A** for ease of reference that a brand new two-way vehicular access is likely to be proposed in the future. Figure 4.2 (on page 12) includes an annotation stating “*subject to separate procedures*”. Such detail is not provided within the Planning Statement where access is only mentioned regarding previous applications, or detailed on the Proposed Block Plan or has been included within the calculations for hardstanding areas.
56. Such inclusion while indiscrete within a third party report confirms the true intentions should prior approval be granted, and that the to be retained current access as established is incoherent, illogical and unworkable.
57. If the applicant had clearly stated that a new vehicular access will be sought then it is beyond doubt that this prior approval route would be deemed unsuitable for this proposal and that a full change of use planning application would be required.
58. Figure 4.2 on Page 12 details a visibility splay for the proposed future access. We point out that this does not achieve the required 215m in either direction as befits Gold Street and the splay shown has been drawn incorrectly.
59. It should also be noted that the proposed new vehicular access and associated access route is unscreened and given the volume of traffic generated will impact the Area of Outstanding Natural Beauty.
60. Turning briefly to the Noise Assessment we would point out that no assessment has been made in relation to traffic noise as a result of the proposal, particularly with regard to HGVs servicing the site (e.g. beepers used while vehicles reverse and refrigeration units) as well as forklift operations.

Summary & Conclusion

61. This Statement has been prepared by Transport Dynamics on behalf of a collective of neighbours led by Dr Rubin Minhas, who reside adjacent to the application site.
62. 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.

63. 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. All four applications are similar for another reason – they are all deficient in details relating to access, traffic and transport matters. This is not through inadequate submission documents and exiguous detail, it is through a tawdry disingenuous approach that lacks total credibility in order for the proposal to slip below the ‘prior approval radar’.
64. This statement has found that the following important access, traffic and transport elements which while taken singularly are substantial and would require KCC Highways consideration, have in fact never been considered individually or collectively;
- The characteristics of the local highway network and access to public transport;
 - Existing agricultural field access, suitability & highway safety;
 - Area 1 internal access, servicing, vehicle parking provision and Area 2 relationship;
 - Impact on Public Right of Way NS190;
 - Operational traffic generation, vehicle composition and linkage to Area 2;
 - Future tourism traffic generation and expansion; and
 - Future site vehicular access arrangements & visibility splay.
65. In terms of vehicular access an existing field gate from Gold Street is proposed for use “initially”. As part of the submission documents there are no standalone access, traffic and transport supporting documents.
66. Specific details and commentary relating to access, traffic and transport matters have also curiously been omitted from the Planning Statement. This situation of course is convenient for the narrative of a schedule 2, part 6 prior approval application, but disingenuous to truth and transparency.
67. But a poor effort at cleansing the submission documents has been undertaken and various suggestions as to what will likely occur in the future are given from information found but not removed before submission.
68. This 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. 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 Change of Use Planning Application should the proposal be resurrected for a fifth time.

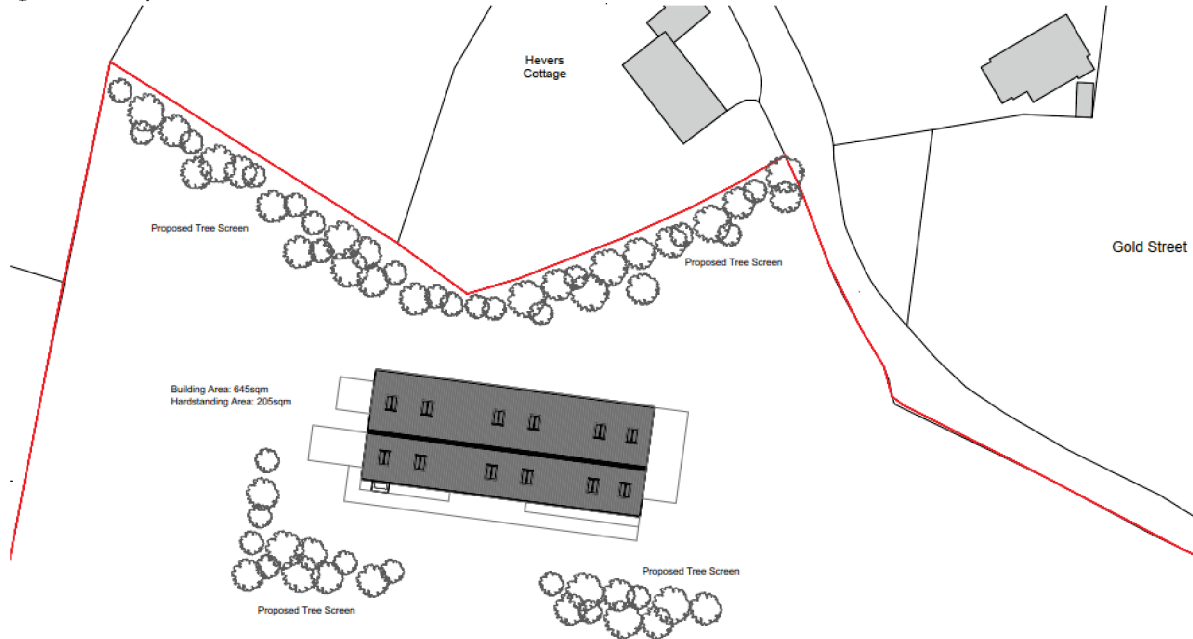
Appendix A

4. SCHEME PROPOSALS

LOCATION AND ELEVATION DRAWINGS

- 4.1 Drawings showing the proposed barn are presented in the following figures. **Figure 4.1** shows the barn subject to the prior notification under The General Permitted Development Order (as amended), Part 6 Class A. **Figure 4.2** demonstrates the intended future access arrangements subject to separate procedures and outside the scope of the prior notification. It is key to note that the barn is laid out in order to direct activity to the east, south and west elevations.

Figure 4.1: Proposed barn location



Source: Courtauld & Co. Architects

Figure 4.2: Proposed barn location (with access subject to separate procedures)



Source: Courtauld & Co. Architects