



North Cray Residents Association

www.northcrayresidents.org.uk

TO: Mrs Helen Acton, Development Management

DATE: 7 February 2018

Ref 18/00181/PRIOR Manor Freehold Farm 67 Parsonage Lane: Prior Notification for the proposed change of use of a building from Office Use (Class B1a) to a dwelling house (Class C3)

1. This is to say that in our view there is no justification for the Council to allow the applicant to use the Prior Notification Procedure in respect of a change of use of Unit A from B1(a) to residential use. Our reasons are given below.

2 Transport and highways impacts of the development

2.1 The business currently being carried on in Unit A (Tootsies Shoes NYC, an 'office' and ancillary storage) is one where its sales are mainly made through summer Agricultural Shows and its 'party plan' whereby it provides events in peoples' workplace or home (see accompanying documents in 11/00786/FUL). The transport and highways impact on this as regards Parsonage Lane is, therefore, low.

2.2 However, were Unit A to become a dwelling with parking provision for two cars generating say eight vehicular movements a day – plus oil delivery vehicles (there is no gas supply) and weekly household refuse collection vehicles- the impact on upper Parsonage Lane (where the road is unmade, narrow with no pavements or passing places, and used daily by local people and horse riders going to and from Chalk Wood and Joydens Wood) would be a significant increase.

2.3 We see in the applicant's *Prior Approval Statement* (para 7.1) that application is also being made for 14 cycle parking spaces for the proposed residential unit. Neither upper Parsonage Lane (see comments in 2.2 above) nor the rough access road down to Unit A are suitable for cycles. And the impact of so many cycles coming and going along any of the surrounding Lanes (Parsonage Lane, Cocksure Lane and Bunkers Hill) would be significant and unacceptable. Were they to be motor cycles the impact would be even worse.

Contamination risks on the site – this aspect is dealt with in para 4 below.

3. Impacts of noise from commercial premises on the intended occupiers of the development

3.1 The units adjoining Units A are all B1 use.. According to Bexley's letter to the Planning Inspectorate dated 30 June 2015 (see 14/01940/PRIOR and 15/00350/Prior), one is (or was) an upholsterers and there has been a variety of light industrial uses of these commercial work units over the years. The impact of noise on any residential occupier of Unit A would be significant, bearing mind that all four units are housed close together within a barn-like building dating from the early 1980s which was not designed, constructed nor intended for residential use.

4. Contamination risks on the site

4.1 First, we make the point that the site boundary change made since 2016 due to divestment of the contaminated area to a neighbouring land owner (see para 5.6 of ESI Ltd's report forming part of the applicant's current application) is irrelevant to the main issue – the amount of contamination and its effect on people working or living in the nearby building. We say it is irrelevant because the whole area known as No.67 Manor Freehold Farm is owned and occupied by a very close-knit community, one where the individuals are probably all related in one way or another.

4.2 Secondly, for the reason given above, it is likely that any future residential occupier of Unit A will be a member of this close-knit community. If this occupation included children, the proximity of what is now Unit A to the area of contaminated land would certainly put them at risk as it is highly unlikely that they would be constrained within Unit A's curtilage – bearing mind that the whole of the land known as No. 67 Manor Freehold Farm is large and open, with horses and other attractions.

4.3 Turning now to the area of contaminated land, table 7.1 of ESI Ltd's Report admits that there remains moderate/low risk associated with the site due to lead and bacterial contamination. Yet nowhere in ESI Ltd's report is the potential risk of vCJD considered, despite their admission that clear evidence of the disposal of carcasses has taken place at the site. The report states that some organic material (bone and rendered fat) remains. This practice was contrary to the ban in all EU Member States of 'on-farm' burial in force since 2003. This ban was specifically designed to protect the health of humans and animals as well as to safeguard the environment. Improper burial can cause pollution, especially to groundwater and can increase the risk of transmission of disease to man, animals, birds and insects.

4.4 In para 6 of our letter of 16 February 2016 (see 16/00290/FUL), we pointed out that the environmental survey then produced did not take into account the potential risk of vCJD arising from the long-term practice of dumping waste carried out by the former maggot farm operation, and our belief that maggots were bred on rotting carcasses including cattle, many of which may have been culled due to 'Mad Cow Disease' caused by their ingestion of prions; and that concentration of prions in the vicinity might be significant. Note: Prions originating from rotting animal carcasses

have been demonstrated to remain active in soil, particularly clays, for many years; and that the related animal prion, that which causes Scrapie in sheep, has been shown to persist for periods in excess of 15 years.

4.5 Since 2006 it has been mandatory for all movements of cattle and cattle carcasses to be carefully documented and fully traceable. Article 22 of the EU Control Regulation requires this. If these records do exist it may be possible for the Department of Agriculture and Rural Affairs, who are the body responsible for enforcing the legislation on the disposal of animal by-products, to determine whether any of the carcasses came from TSE affected cattle that were culled due to 'Mad Cow Disease'.

In conclusion, we can only say that unless the Department of Agriculture and Rural Affairs are able to state that there has been no breach of the regulations and there is no risk to human health from vCJD, we ask that you take the following two points into account when making your determination on this application:-

(a) That there is no adequate documentation to show that no TSE affected cows were processed at the site and it is not possible to properly assess the risk to human health from vCJD, and consequently this potential risk remains. It would be most advisable to take independent expert advice before disregarding this potential risk, which we strongly recommend.

(b) That there is in any event ESI Ltd's admission that there is a moderate/low risk associated with the site from Lead and Bacterial Contamination, see para 4.3 above.

Yours sincerely

Jean Gammons
Secretary