

5 August

OBJECTION TO PLANNING APPLICATION 20240607 - Walnut Hill Nursery

Application to determine if prior approval is required for a proposed: conversion of a building to a Commercial Use Class E, of the Town and Country Planning(General Permitted development)(England) Order 2015(as amended – Schedule 2, Part 3, Class R

I strongly object to this Planning Application and would like it noted that this Application is seriously lacking in information and facts to accurately reflect the intentions of the Applicant and the activities already taking place at the site of Walnut Hill Nursery, Walnut Hill Road DA13 9HL. I feel it is important that these additional points be raised, and I have used the same headings and point numbers as per the Planning Statement against which to comment.

Site Context

2.3 Walnut Hill Nursery was a Plant and shrub predominately for growing large shrubs and trees. It operated for a significant number of years during all those years had minimal impact on the environment and the surrounding area. It had just a couple of local staff and very few vehicles, cars, visiting the site.

2.4 This site is in a residential rural greenbelt road with a residential property directly to the west boundary, residential properties to the front and a residential property to the East boundary just beyond a small strip of woodland. There are further residential properties in the immediate vicinity and beyond, who are also affected by the activities of this property.

2.6 This site is in a Zone 1 Ground Water Protection Zone above the Southern Water Abstraction Point in Downs Road

This site is situated in a Green Belt Conservation area, with planning restrictions attached to protect this site from inappropriate development, which the new owners would have been aware of but have chosen to ignore.

Proposed Development

The following information not provided by the applicant supports that the intended use of the site is not as Offices but as a full Commercial Depot for use by multiple Businesses. The following Businesses are already registered at Walnut Hill Nursery with Companies House. It should be noted that all the company information given is readily available online to the Public.

The following Companies have registered Offices at Walnut Hill Nurseries:

First4drains - 11266098

Directors: Christopher Raymond Lawson & Connor John Lawson

Flo Well Drainage & Plumbing LTD- 10975019

Directors: Reece Lawson & (Connor John Lawson (Resigned Director)

Lawday Civil Engineering LTD- 15412068

Directors: Christopher Raymond Lawson, Connor John Lawson, Reece Lawson & Ross Halliday.

LawsonFM LTD- 14819813

Directors: Christopher Raymond Lawson, Connor John Lawson & Reece Lawson

Please note that Christopher Raymond Lawson is also the Director of the following active Companies:

Skiparoo 13459702

First4maintenance Group 13652013

It should also be noted that the current registered address of Skiparoo and First4maintenace as given below is also the previous registered address for all the businesses now registered at Walnut Hill Nursery. It would therefore not be unreasonable to assume that these could also transfer to the Walnut Hill Nursery site in the future.

Unit 5, Breadhurst Business Park, Maidstone ME14 3EH

The Application states The Applicant is looking to open an office – intended to be operational between 8am and 5pm Mon – Fri. Very soon after the purchase of Walnut Hill Nursery a number of additional buildings were brought onto site and permanently situated for the storage of equipment. It has also had further permanent buildings built to facilitate the maintenance and repair of vehicles. A large amount of groundwork has also been undertaken and the main building has also been subject to considerable attention. Work on the site is ongoing. The HGV's soon followed. The intention of the Applicant on purchasing this site was not to just open an office on this site but to operate a full commercial depot for a number of companies. The likelihood of the number of businesses operating from this site increasing beyond those currently registered, given the other companies owned by the Applicant, Associates and other family members, is also very high. This site already operates 24/7 with vehicles arriving/leaving at any hour of the day and night, 7 days a week and is actively promoted as a growing company with a number of Job vacancies for Engineers and sales staff based from this site being advertised for and recruited.

The Applicant states that the Company Owns around 60 Vehicles and, with the exception of 10, 50 are remotely based. The Application fails to mention the HGV vehicles operated by the applicant. Both First4drains and Flo Well currently have Applications Submitted to the Traffic Commissioner for Operator Licences, with Walnut Hill Nursery to be approved as their operating Centre!! First4Drains has an existing operators License for 8 Vehicles and is applying for a variation for more vehicles.

Operator Licences

OK 2024418 - First4drains- Existing License (variation to licence pending)

First4drains current Restricted license has the following Operating Centres Approvals:

Unit 8b William Harbrow Ltd, Ness Road Erith DA8 2LD- 2 Vehicles

Yards 17 – 20 Breadhurst Business Park, Boxley ME14 3EH – 8 Vehicles

With a Total authorisation for 8 Vehicles

First4Drains applied to the Traffic Commissioners on 7 March for a Variation of licence, applying for Walnut Hill Nurseries to be the new operating Centre for 8 vehicles with an upgrade of license from restricted to Standard National. A further variation application was submitted on 11 April 2024, applying to increase the License from 8 Vehicles to 14 Vehicles with Walnut hill Nursery as the Operating centre and upgraded to Standard National. This Application has been subject to a high volume of objections.

NOTE: A restricted License allows the holder to carry their own goods but not other peoples in the UK; usually only suitable for small scale operations. Standard National allows the holder to carry their own goods in the UK and internationally, or other people's goods for hire or reward in the UK.

OK 20728000K- Flo Well Drainage & Plumbing Ltd (New Application pending)

This is a new application submitted 11 April 2024, applying for a license for 9 vehicles with Walnut Hill Nursery as the Operating Centre.

If approved these 2 applications would result in a total of 23 Vehicles being approved with Walnut Hill Nursery as the Operating Centre. The Traffic Commissioners awarded First4Drains an interim License on 1 May 2024, pending a full decision. However, HGVs were already using and being stored at Walnut Hill Nursery prior to the Interim Licence being obtained. Even though no planning permission has been applied for or obtained for use of this site as an Operating Centre this site has been used as a fully operational Commercial Depot since April with a huge increase in the number of cars, vans and HGVs visiting the site 24 hours a day 7 days a week.

The Proposal Development also states that the Applicant wishes to use the main, existing, agricultural building to the front of the site as offices with this being the new primary use of the site rather than have the offices incidental to an agricultural use.

Given all the information above this is shown **not** to be the case. My conclusion is that the site was purchased with the full intention to use the entire site as a fully operational commercial Depot for multiple businesses, and the use of the land is the primary use, with the offices being used to support the multiple businesses using the site.

The proposal also states that no operational development is to take place as a part of this application, hence the existing and proposed floor plans and elevations are the same. I entirely disagree with this statement. Since the site was purchased, it has been subject to constant development with new buildings being brought onto site or constructed. Considerable groundworks have also been undertaken and alterations have also been made to the main building. The whole site is being used as a large Commercial Operating Depot including facilities for vehicle storage, maintenance cleaning and repair of Vehicles, plus the Storage of Equipment and Chemicals, which represents a large scale operational development.

Prior Approval Assessment

5.3 I do not believe that the Walnut hill Nursery building can be interpreted as being used solely for an agricultural use as part of an agricultural unit. The building included 2 small upstairs offices, a workshop and a potting room. I also believe that for the proposal to benefit from PD rights the proposal must be proposed, and the works must not have been started. Significant work has been undertaken to the site as a whole, including the main building. The existing floorplans provided with the Application for the main building are not correct and do not reflect the actual Floorplan of the building at

the time the site was purchased but reflect the extent of the alterations already undertaken by the applicant to this building prior to this application. For instance, the main building was sold with only 1 wc, the current floorplan shows 7 and all the workshops are now assigned as offices. This not only shows the significant level of development already undertaken, but gives an indication of the increased numbers of staff intending on using this building

5.13 This paragraph states that the Applicants understanding of Class R is that it would enable the use of the entire curtilage of a building to be changed to coincide with the proposed use of the building. This would infer that if the Class R application were approved for 'the office', it would apply Class E Classification to the entire site and the Commercial business or Service Classification which would facilitate the approval for their actual intended use of the site as a full commercial depot. The Site Plan provided with the application also shows the entire site edged in red to indicate that this application is for the whole site.

Transport

5.16 Walnut Hill Nursery was a mature shrub nursery and had only 2-3 locally residing staff on site, resulting in only a minimal number of vehicles accessing the site daily and were only cars. Since the Applicant purchased this site there are already major transport issues related to the site of Walnut Hill Nurseries. The number of vehicles attending this site daily has increased massively and these vehicles are cars, vans, trucks, and HGV's. There are also regular deliveries with the lorries so large they completely block the road and are unloaded from the Highway. The increase in the office space in the main building indicates the significant increase in the number of staff attending the offices, which adds significant pressure on the local roads. Add the HGV's and numerous trucks which are visiting the site daily the roads are totally unsuitable and an accident waiting to happen. The trucks can make multiple trips to the site daily and the numerous vans stated as being remote, regularly attend site to collect/return equipment and for maintenance and cleaning etc. There are also drivers attending site to collect trucks stored on site. Walnut Hill Road is a rural, single-track road on a steep incline with blind bends, no pavements and is minimally lit at night. There are also only limited passing spaces making the volume of cars, vans, trucks and HGVs using this road and the narrow approach roads going to and from Walnut Hill Road, not only unsafe for drivers, pedestrian's and other users such as horse riders and cyclists, but totally unacceptable. Cars have had to reverse the entire length of the road as passing is not possible and the road has become fully blocked at times due to the presence of vehicles from this site. The 24/7 operation of the site mean these vehicles can run at any hour of the day or night 7 days a week.

Noise

5.17 The application states that this Application cannot give rise to any reasonable objection to noise due to the building being an office. This is not correct. The Plant Nursery used the main building as part office and part Workshop which had no impact on neighbours and created minimal noise. The same cannot be said now. This site is now a large Operational Commercial Depot and must be viewed as a whole entity and not as an Office. The noise is far from compatible with a rural location and the surrounding residential dwellings. HGV Engines running for long periods, Reversing Sounders, Commercial Diesel Jet Washers, Maintenance equipment noise, Vibrations from the vehicles and engine noise when accelerating up the incline of Walnut Hill to name just a few examples. The businesses are also advertising as growing and looking to increase the number of vehicles and staff, so this can only get even worse.

Contamination

5.18 Walnut Hill Nursery is a Zone 1 Ground Water Protection Zone. Having vehicles return to the site involved in Drainage and Waste, including the emptying of cesspits etc, and the cleaning and maintenance of these vehicles on site should be a significant concern. The equipment and storage of chemicals and equipment used in the course of their work also carries a risk of contamination to the soil.

The Exhaust fumes emitted from the huge increase in the vehicles attending this site also needs to be taken into account. Trucks are often left idling for extended periods of time. The smell of waste and chemicals is also apparent in the air at times emanating from this site. The far northern end of the site has also been used to dump large quantities of debris which is also an environmental risk.

First4Drains waste carrier license CBDU294161

Conclusion

This application is woefully lacking in information and does not provide true and accurate detail. I believe the Applicant is hoping to obtain a Commercial Class E for the whole site using an application for Class R for the office, negating the need for full planning, when the intention has always been to use Walnut Hill Nursery as a 24/7 commercial depot for a number of companies. The applications pending with the Traffic Commissioner's to use Walnut Hill Nursery as an Operating Centre for 23 HGV's along with the Operational Development already undertaken supports this. It should be noted that NO Planning consent for the already undertaken development and change and use of this site has been sought and No consideration has been taken to adhere to the rural restrictions in place to protect this green belt site. The lives of the residents of Walnut Hill Road and the surrounding areas are already being hugely affected. This is a rural,

green belt, residential area enjoyed by walkers, cyclists, horse riders and families. This is not suitable the place for a large commercial depot. I strongly object to this application and hope that the additional information I have provided, that was not included in the Application, enables the correct decision to be reached, which is to refuse this application.