

Objection to Planning Application REF 20240607

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.

General:

I strongly object to the above application.

The applicant site is occupied by Flo-Well and First4Drains and both companies have the same Directors and therefore “Controlling Mind”. Both companies have their registered office at Walnut Hill Nursery as of 6 June 2024

Flo-Well and First4Drains have applied to The Office of the Traffic Commissioner for an Operators Licence to use Walnut Hill Nursery, the applicant site, as an Operating Centre for a total of 17 vehicles being primarily HGV liquid waste tankers. (Appendix 1)

Flo-Well and First4Drains are already operating HGV liquid waste tankers out of the applicant site 24 hours a day 7 days a week. This existing use of the site by the applicant is in breach of planning permission and this breach should be enforced by Gravesham Borough Council.

The applicant is already depositing raw sewerage to the rear of the site, see photograph below, which is contaminating the ground and surrounding land and if continued will lead to the killing of  woodland trees.

The applicant is contaminating land in Zone 1 of a water Source Protection Zone above the Southern Water abstraction point in Downs Road approximately 350 metres away.

The applicant has already commenced significant earth works on site without planning consent which are over and above those outlined in this planning application.

The planning application submitted by GSP for their client is not for the intended or current use that their client is making of Walnut Hill Nursery. The application should be seen for what it is which is an attempt to justify a wider breach of planning control.

If this planning application is granted by Gravesham Borough Council then the applicant will continue to be in breach of planning control and Gravesham Borough Council should take enforcement action. The applicant would need to submit another planning application for the actual use he is already undertaking on this site.

Planning

The Planning Statement attached to the application states that the existing use of the site is Agricultural. However, no Agricultural Holding Number has been provided for the site which would be a better indicator of agricultural intent. The Appeal decision referenced, APP/R0660/X/09/2115961, dating back to 2010 is evidence why the site in the Appeal was not a Garden Centre and that definition would never have intended to be used as a positive definition of

what constituted an Agricultural use. The Inspector was not giving a positive definition of what constitutes an agricultural use just why the site was not a garden centre. The existing use should be considered to be Sui Generis and therefore Class R does not apply.

If Gravesham Borough Council do consider the land to be Agricultural then for the proposal to benefit from PD rights the proposal must be proposed and the works must not have started. Significant ground works to the applicant site have already begun and therefore PD Rights should not apply.

The “Block Plan-Proposed” and the Site Location Plan attached to the application has the whole site outlined in red, the red line drawing. This is in contradiction with the text in the planning statement which attempts to limit the application to the Office space and buildings only whilst in reality extending the curtilage by including misleading plans. If the planning application relates only to the office area then the plans should be resubmitted accordingly.

Clause 5.12 (c) (1) in the Planning Statement details that the curtilage has to be less than the floor area of the building for which the agricultural use is being changed under Class R. The application by the applicant for an Operators Licence ,Appendix 1, and the current use that the applicant is making of the site is evidence that the intended vehicles using the site are HGV liquid waste Tankers. It would not be possible to park and manoeuvre the lorries in the site using a curtilage that is less than the footprint of the current offices. Therefore, this application under Class R should not be permitted. The photograph in Appendix 2 shows that the vehicles using the site are using the whole site outlined in red and not the area around the offices.

Clause 5.2 in the Planning Statement states that the building and curtilage will be used for commercial purposes, primarily as offices. The evidence of the sites current use by the applicant and Transport Licence Application, Appendix 1, would indicate that the primary use for the site is as a liquid waste transport yard and offices are a secondary use not a Primary Use. The use of the site around the proposed offices, being the movement of HGV liquid waste lorries, is the Primary Use.

Gravesham Local Plan Core Strategy adopted September 2014

- Strategic Objective SO1 states “make the most efficient use of land by concentrating development on under used derelict and previous developed land in the urban area of Gravesend and Northfleet, in particular former industrial sites along the Thames Riverside in Gravesend town centre and Ebbsfleet”. To comply with this objective this type of development should not be in the proposed rural location but in a more suitable industrial location.
- Strategic Objective SO5 “create a mixed used community at Ebbsfleet including a sub-regionally significant office based employment hub in the longer term, to provide further jobs”. If this development is primarily office based as stated then it should be undertaken in the areas identified by the Local Plan and not in a rural residential area. The application makes no mention of employees at the proposed office being local and therefore it can be assumed that all persons coming to the site will be from out of area further increasing traffic on rural roads unnecessarily.
- Strategic Objective SO8 “preserve the openness of the Green Belt, maintain its national and local planning purposes and protect it from inappropriate development”. Even though this planning application is trying to narrow down the change of use to a very specific scenario the existing use of the site by the applicant and their Operators Licence application clearly

shows that the intended use of the site is “inappropriate development” for the Green Belt and goes against this Strategic Objective and the sensitivity of the location.

- Policy CS11:Transport – “New developments should mitigate their impact on the highway and public transport networks as required.” The roads around the site are not suitable for the level of traffic that will be generated by this change of use. The applicant has made no attempt to undertake a Traffic Assessment.

Even though I don't think that this application comes within Class R I have used the same headings as in the Planning Statement against which to comment.

Transport

As evidenced by the applicants Operating Licence application (Appendix 1) and the current use that the applicant is making of the site the statement in paragraph 5.16 of the Planning Statement that there should be “no concerns” as the building was previously used as offices in connection with the plant nursery is incorrect. I have lived near to the site for 27 years and I can categorically state that the traffic using the site has increased hugely since Flo-Well and First4Drains took up occupation.

The statement that the “plant nursery use will be removed from the wider site” is also not correct as evidenced by Appendix 2 and by the fact that the vehicles using the site cannot turnaround in the curtilage of the proposed expanded office area.

The actual area of office space is increasing beyond the existing and therefore the traffic usage must increase commensurately.

The applicant has provided no evidence to support their Transport statement or provided any Transport Assessment as required by the Gravesham Local Plan, Policy CS11. The A227 is specifically identified as a road particularly impacted by traffic and this development will generate more traffic onto the A227 Wrotham Road and the A2. Other more appropriate industrial areas of Gravesend will have the Traffic Movements aligned with their allowed use that this development could make use of. The number of Traffic Movements should not be increased unless properly justified and assessed. Just stating that there will be no increased movements is not an assessment.

The photographs in Appendix 3 show the narrow roads along which the applicant intends to, and already has, increased traffic significantly.

Walnut Hill Tree nursery was primarily used for growing trees and by its nature was a small operation with very few traffic movements. The nursery is situated on a very narrow country lane which has a very steep hill on its approach; probably a 1:6 hill. The roads are totally unsuitable for regular high volume use especially if it is to be by large drainage tankers. There are no passing places on the immediate approach that would be wide enough for a car and a lorry to pass let alone if two lorries were to meet; it is only just possible for two cars to pass at any of the passing locations. If one of the tankers were to meet another of the tankers or another car then it would be necessary for one of the vehicles to reverse hundreds of metres to the next junction. As stated previously this would require reversing up or down a very steep hill which would be very difficult and dangerous.

There is no pavement along the road and it is popular with walkers and cyclists. I personally cycle frequently along the road. There is not room for a large tanker lorry and cyclists/walkers to pass without the cyclist or walker getting off the road and into the hedge. The road has very poor vision

splays with high hedges and a cyclist coming down the steep hill meeting one of the tankers is likely going to struggle to stop and avoid the tanker without having to take drastic evasive action.

The use of the site will not be 8am to 5pm as stated in the Planning Statement but, as evidenced by its current usage and Transport Licence request, likely to be 24/7.

The use of the Tree Nursery as the Applicants Operating Centre is industrialisation of a quiet country road. There are other better positioned safer alternatives for the Operating Centre within a 5 mile radius and they would be better suited for large tanker lorries. Gravesend has many empty industrial units, offices and hard surfaced yards that would be ideally suited. The cost of renting or buying the existing serviced units might be more expensive but heavy haulage businesses should be located in the most appropriate areas and not down small country lanes.

The junction of Nash Bank and the A227 is a very poor junction. The approach is via a very steep hill and visibility at the Junction has very poor sight lines. More vehicles using this junction, especially if they are tankers as allowed by the Operators Licence, is likely to end in a significant incident. Lorries from the applicant's site are already forcing vehicles to reverse long distances up steep hills towards road junctions.

Noise

The HGV Liquid tankers using the site are vacuum tankers and the vacuum units are very noisy. This is not compatible with the adjacent residential use.

Contamination

As stated previously, the vehicles associated with the Flo-Well and First4Drains business are not limiting themselves to the curtilage of the office but use of the land within the red line boundary. The vehicles are discharging raw sewerage to the rear of the site, photographs appendix 2. Not only is the smell disgusting but the sewerage will contaminate my property and kill the woodland trees.

Southern Water have 3 strategically significant water abstraction points at the junction of Walnut Hill and Downs Road, which is approximately 350 metres away at the bottom of the hill, supplying Gravesend and the surrounding areas. The applicant site is in Zone 1 of a Water Source Protection Zone and any contamination of land surface in these areas should be controlled.

Conclusion

This planning application has been structured in such a narrow way as to try and make use of the Class R Permitted Development Rights. The application does not reflect the reality on the ground. The applicant has already begun the development and therefore should not benefit from the PD rights.

The submission of the Transport Operators application by the applicant and manner in which the applicant is already using the site, in breach of planning control, already demonstrates how the applicant intends to use the site and it does not align with the planning application that has been submitted.

The planning application has not been supported by any evidence base and is contrary to stated Gravesend Planning Policy in their Local Plan.

For the reasons identified above this Planning Application should be rejected.

OK2024418

FIRST4DRAINS LTD

Licence details (OK2024418)

- Business type
Limited Company
- Trading names
- Directors
CONNOR LAWSON
CHRISTOPER RAYMOND LAWSON
- Licence type
Restricted
- Licence status
Valid
- Continuation date
30 Jun 2024
- Traffic area
London and the South East of England

Contact details

- Address
**WALNUT HILL NURSERIES, WALNUT HILL ROAD, GRAVESEND,
DA13 9HL, GB**

Operating centres

Operating centre

UNIT 8B WILLIAM HARBROW LTD, NESS ROAD, ERITH, DA8 2LD, GB

YARDS 17-20, BREDHURST BUSINESS PARK, WESTFIELD SOLE ROAD, BOXLEY, ME14 3EH, GB

Authorisation

- Total Number of vehicles
8
- Total Number of trailers

Transport Managers

There are no Transport Managers listed on this licence

Related operator licences

There are no related licences

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OK2072800

FLO WELL DRAINAGE & PLUMBING LTD

Licence details (OK2072800)

- Business type
Limited Company
- Trading names
- Directors
Reece Lawson
- Licence type
- Licence status
Under Consideration
- Continuation date
- Traffic area
London and the South East of England

Contact details

- Address
Flo Well Drainage, WALNUT HILL NURSERIES, WALNUT HILL ROAD, GRAVESEND, DA13 9HL, GB

Operating centres

The table is empty

Transport Managers

There are no Transport Managers listed on this licence

Related operator licences

Appendix 2





Appendix 3



Up Nash Bank Towards Wrotham Road A227



Up Nash Bank Towards Wrotham Road A227



Up Walnut Hill Road Toward Applicant Site



Up Walnut Hill Road Towards Applicant Site



Up Walnut Hill Rd towards Applicant Site



Along Downs Road Towards Instead Rise