

Monday – Friday: 8.30am – 6.30pm

Saturday: 8.30am – 6.30pm

Sunday: 9am – 6pm

- 1.7 The proposal would result in the loss of 10 parking spaces on site. There are 26 at present which would reduce to 16 as part of the proposal. (This does not include the 8 retained for sole use of the restaurant outside of the site boundary.)
- 1.8 The applicant currently operates a similar car wash and valet service in Station Road Aylesford but the site is to be redeveloped, resulting in the need to find an alternative location.

2. Reason for reporting to Committee:

- 2.1 The application has been referred to planning committee at the request of Councillor Walker due to the level of public interest.

3. The Site:

- 3.1 The site is located within the urban confines of Ditton in an area characterised by a mix of uses including residential, business and commercial. The site is bounded to the north and west by residential properties and to the south by the pub garden area to Tandoori Palace restaurant. The Kia showroom/garage is opposite to the east.
- 3.2 Access is from Bradbourne Lane which rises up from its junction with the A20. Parking spaces immediately on the north side of the access are currently used on an informal basis by local businesses. The application site has recently been re-surfaced and the interceptor installed. These works do not however require planning permission.
- 3.3 The A20 AQMA lies to the north of the site but does not cover the site itself.

4. Planning History (relevant):

TM/51/10196/OLD grant with conditions 19 July 1951

Garage.

TM/62/10863/OLD grant with conditions 9 April 1962

Extension to car park.

TM/67/10772/OLD grant with conditions 2 March 1967

Extension to car park.

TM/67/10924/OLD grant with conditions 20 March 1967

Store and garage.

TM/72/11366/OLD grant with conditions 14 March 1972

Extension to form saloon bar, kitchen and toilet, for Whitbread Fremlins Ltd.

TM/73/10823/OLD grant with conditions 17 January 1973

Extension to car park.

TM/74/11718/OLD Refuse 4 January 1974

Stationing of a caravan.

TM/75/10480/FUL grant with conditions 5 December 1975

Extension to existing car park.

TM/76/10052/OUT Refuse 5 October 1976

Erection of five terraced three-bedroomed houses.

TM/76/10780/FUL Refuse 27 July 1976

Erection of 6 no. semi-detached 3 bedroom houses and 1 no. detached 3 bedroom house.

TM/77/10661/OUT grant with conditions 3 May 1977

O/A for erection of 4 semi-detached two bedroom bungalows.

TM/87/11845/FUL grant with conditions 7 June 1987

Part of garden to become an extension to existing car park.

5. Consultees:

- 5.1 KCC (H+T): the time of operation for the two businesses would dovetail around periods of peak activities. As parking standards are maximum standards it is considered that the space that would be available on site at any given time would have a bearing on how convenient, attractive or effective each business is to users. There is no tangible evidence to suggest the proposed use would have a severe road safety impact at this section of Bradbourne Lane, which is subject to low speeds at the approach and exit to the A20. Records show one slight injury crash at the junction with the A20 in the last 3 years and no injury crashes on Bradbourne Lane for at least 10 years. As such no objection is raised and conditions and informatives are requested should permission be granted.
- 5.2 Southern Water: A formal application is required for connection to the public foul sewer from the applicant. As such an informative is requested should permission be granted. General informatives are also requested with regard to drainage of hardstanding and the condition of any public sewer found during construction works.
- 5.3 Environment Agency: No objection subject to a requested condition regarding sewage and trade effluent.
- 5.4 Ditton Parish Council: Objection is raised on the following grounds:
- there are 12 car washes in the nearby area;
 - increased traffic will increase safety issues for pedestrians as there are no pavements around the site;
 - no sanitary arrangements for workers;
 - the neighbouring properties already experience cars using their private drives to turn which will be made worse by the proposal;
 - residents will not be able to leave windows open or enjoy their gardens due to noise and pollution;
 - reduced parking for the restaurant will result in cars parking in Bradbourne Lane which is narrow without pavements which is unsafe. There will be a backlog of cars onto London Road waiting to access the site.
- 5.5 East Malling and Larkfield Parish Council: Objection is raised on the following grounds:
- Noise and disturbance to neighbours;
 - Out of keeping with the area;

- 5 years is too long for a temporary permission, 12 months would be more appropriate if granted;
- If granted conditions should be attached regarding hours of operation and boundary treatments;
- The site has potential for residential development so could be considered under the Council's Call for Sites assessment.

5.6 Private Representations + site notice: 23/0X/38R/0S and a petition signed by 194 residents representing 128 households and one business:

- Congestion on Bradbourne Lane which is narrow and already busy and cars have difficulty passing at present;
- The junction of Bradbourne Lane with the A20 is already too busy and dangerous; the proposal will make this worse leading to accidents;
- Emergency services will not be able to get through Bradbourne Lane;
- Noise pollution to residential properties from generators, jet washers, and possible smells;
- Loss of parking to the restaurant would increase overflow onto Bradbourne Lane, some cars park on the pavement where there is one;
- Local businesses already use the site to park which increases pressure for spaces in the area if they are reduced;
- Deliveries to the Kia dealership already cause congestion at the junction with the A20 which will be made worse by tailbacks from the site;
- Works have already begun by way of hardstanding, drainage and the container. This shows as disregard for neighbours which would be likely to continue;
- Water should go through filtration system rather than straight to main drain. No application to discharge into the foul water system has been made to Southern Water;
- Caravans on site are being lived in (*the council has no evidence that this is the case*);
- If the existing caravans are used to house staff the generators will cause noise and disturbance;
- Lack of toilet facilities for staff or customers raises a hygiene issue;

- Neighbours already suffer noise from music and smells from the restaurant by way of cooking and waste disposal, and noise from the car dealership and A20;
- Concerns over hygiene, safety issues if smokers are standing near the storage of chemicals, and the disposal of hazardous waste;
- Concerns over storage of chemicals, potential toxic fumes and possible contaminated run off entering the water table;
- Increased traffic on St Peters Road;
- Congestion on Bradbourne Lane whilst cars queue to be washed;
- Traffic obstruction to residents of Donderry Way will be made worse;
- Bradbourne Lane is used as a cut through increasing traffic levels at present;
- Industrial use out of character in this residential area;
- There are a number of car washes available in Ditton and the immediate area already, none of which cause traffic problems – Sainsburys, Station Road, Tesco, BP Parkfoot A20, Jet Garage A20, Snodland Ham Hill Shell garage, the new garage to be opened at Forstal Road, Aylesford park and ride, Ditton garage;
- The use should occupy an empty industrial unit instead, it is inappropriate in the car park of an eating establishment;
- Overlooking and loss of privacy to residential properties;
- It would be visually overbearing;
- The internal circulation will cause conflict with pedestrians, restaurant users and cars creating a safety hazard;
- No footpath on Bradbourne lane makes it dangerous already which will get worse with additional vehicles. School children often use this road;
- Increased CO2 levels:
- The plans do not show the existing container caravan and truck;
- Light pollution from floodlighting that may be used in the winter months;
- Neighbouring properties will not be able to open windows or doors or enjoy peace and quiet whilst using their gardens;

- The use will require sufficient customers to make it viable;
- Water run off onto Bradbourne Lane would be dangerous;
- A self-contained and sound proofed building is required, but this would not solve the issue of traffic flow;
- Concerns that tyre changing services may be introduced and that the applicant's intentions are misleading.
- The car wash at the existing Kia garage is noisy and produces spray;
- Property de-valuation due to the impact on the character of the area (*This is not a material planning consideration*);
- Cars already use residents' driveways to turn in causing expensive damage;
- Possible immigration issues (*This is not a material planning consideration*);
- The proposed hours of operation are excessive;
- A metal storage container on site for 5 years cannot be considered temporary;
- The size of the site is inadequate for the proposed use;
- Lack of signage, shelter for customers, shelter for car cleaning during rainy weather, or parking space for restaurant delivery/waste vehicles.

6. Determining Issues:

- 6.1 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.2 Policy CP11 of the Core Strategy promotes the concentration of new development within the confines of urban areas including Ditton. The proposed location is therefore appropriate for new uses or development but they should not conflict with the other main issues to be considered here in terms of neighbouring amenity, highway safety and air quality.
- 6.3 Policy SQ6 of the MDEDPD aims to control the impacts of development/use related noise on the amenities of surrounding residents. The proposed use will generate noise within the site and is to the south of the AQMA.

- 6.4 The NPPF in Chapter 1 supports economic growth in order to create jobs and prosperity. The proposal does promote this in terms of the use and relocation of the business from Station Road. However this is one consideration which must be balanced with those mentioned above. The NPPF also consider, in paragraph 123, that planning decisions should avoid noise giving rise to significant adverse impacts on quality of life as a result of new development.
- 6.5 The proposed use would result in frequent traffic movements in close proximity to the shared boundary with residential dwellings to the north and west of the site. No.8A adjacent to the northern side boundary is a two storey end of terrace property which is within 1–1.5m from the side boundary and is set at a lower land level than the proposal site. Nos. 9 and 10 Walnut Tree Court are two bungalows immediately adjacent to the western rear boundary of the site with rear gardens abutting the shared boundary fence.
- 6.6 There are other dwellings in the wider surrounding area, including those to the south which are separated from the site by the original pub garden and a landscaped strip. However the three properties identified above will be the most affected. The close proximity of these dwellings and rear gardens would result in an unneighbourly relationship between existing and proposed land uses due to the noise and disturbance that would arise from the proposed use. The lower land level of no.8A Bradbourne Lane would further compound this harmful impact for occupants of the property.
- 6.7 The proposal does include details of some mitigation measures in the form of a 2m larch lap and concrete post screen along the northern side of the washing area. Repairs to the western boundary fence are also proposed where needed, and the existing pre-fabricated concrete store building to house the spray pump/vacuum motor is to be insulated. No further details regarding these works have been submitted with the application.
- 6.8 In addition to noise from the washing and valeting there is concern regarding potential overspray from pressure washers to neighbouring properties. Without the submission of details as to how this is to be controlled it cannot be assumed that this would not impact on the enjoyment of these rear gardens, particularly in terms of noise and spray nuisance.
- 6.9 The use, by its nature, will also give rise to noise and disturbance from the vehicles involved. The proposal will result in regular traffic movements within the site in close proximity to boundaries with residential properties, with vehicle engines being turned on and off at frequent intervals. The application is not supported by a noise report or any other evidence to illustrate the likely impact, or to confirm either way whether this will be unacceptable or not. In summary, with regard to noise and disturbance and the lack of supporting reports or information to prove otherwise, I am not satisfied that the physical measures to be put in

place, such as the screen fencing and repairs to the western boundary, will be sufficient to prevent undue harm to the amenities of neighbouring properties.

- 6.10 Concern is raised that were information of mitigation measures to be submitted in the future, the level of mitigation required would give rise to harm to amenities in some other way. A high acoustic fence would for example create an oppressive and overbearing relationship for adjacent dwellings. It may also reduce light levels to an unacceptable level, particularly for no.8A Bradbourne Lane, which is at a lower land level than the site.
- 6.11 The proposal will result in the loss of 10 parking spaces on site with a reduction from 26 to 16. (There are an additional 8 spaces outside of the site boundary which are for the sole use of the Tandoori Palace.) The two uses would operate at the same time for a proportion of the day; however peak times for the restaurant in the evening would be when the car wash facility is closed. In the evenings therefore there would be the 8 spaces outside of the site, and 16 additional within the car wash site which would be closed. The site plan does not mark out the 16 spaces that would be available in the evenings; however, once the circular layout required for the car washing is not in operation there will be room to park this amount of cars in a more standard arrangement.
- 6.12 There are no restrictive conditions to secure the retention of car parking spaces on site, and therefore maximum parking standards would apply. The Highway Authority is satisfied with the level of parking provided for both uses.
- 6.13 The use will generate additional traffic movements on Bradbourne Lane and subsequently the A20. This is a major concern to residents in the surrounding area with regard to highway safety. Bradbourne Lane is narrow at this point, without pavements, and is close to the busy junction with the A20 which raises the issue of safety. The proposal shows a waiting area within the site for cars to queue. The Highway Authority is satisfied that the use will not result in a hazard to highway safety due to either insufficient parking or cars waiting to access the site. It is not considered that there is any evidence that the proposed use would have a severe road safety impact on this part of Bradbourne Lane.
- 6.14 With regard to assessing the proposal in terms of its impact on the character of the area, I am satisfied that this would not be detrimental. One of the buildings to be used in connection with the use is existing and the other would be a standard container to be located at the rear of the site. This would not be harmful to the character of the street scene or the wider area. The use would represent a change to the visual appearance of the site but not one which is contrary to policy.
- 6.15 In conclusion, the proposed use is considered to be acceptable in terms of the impact on highway safety and the visual character of the area. It is not however considered to be acceptable in terms of the impact on residential amenity. This is due to the location in close proximity to residential properties and the conflict that would arise between the protection of their amenities and the noise and

disturbance which would result from the operation of the proposed use. The information provided by the applicant is not sufficient to evidence that the likely impact will not be harmful. Having considered options that may be required to mitigate the likely noise levels, I am not convinced that it would be possible to control the use by way of condition, and I am therefore not satisfied that this is an acceptable site for this proposed use.

6.16 With the above assessment in mind, I consider that the proposal is contrary to policy CP24 of the TMBCS, and the relevant paragraphs of the NPPF. As such, the following recommendation is put forward.

6.17 Recommendation: The application be **Refused**

in accordance with the following submitted details: Letter dated 24.07.2015, Design and Access Statement dated 24.07.2015, Notice ARTICLE 11 dated 24.07.2015, Location Plan 70/14/1 dated 24.07.2015, Block Plan 70/14/2 dated 24.07.2015, Letter dated 06.08.2015, Proposed Elevations 70/14/3 dated 06.08.2015,

Reasons

- 1 The proposed use would, by reason of the proximity to residential properties, be likely to result in unacceptable noise and disturbance to these properties, which it has not been clearly demonstrated can be controlled by appropriate conditions. This would consequently result in harm to the residential amenities of the nearby properties which is contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007.

Contact: Holly Pitcher