



1.5 The proposals do not affect or change in any way the existing boundary treatments in place on top of the bank and bund to the rear of the site, which form the rear boundaries to properties in Holtwood Avenue.

**2. Reason for reporting to Committee:**

2.1 The application is being reported to planning committee at the request of Cllr Walker due to the strength of local opposition to the proposal.

**3. The Site:**

3.1 The site is approximately 1.48 hectares in size and is located within the urban confines of Aylesford. It is also within the boundaries of the Safeguarded Employment Land as allocated in the DLADPD. It is part of the Quarry Wood Industrial Estate which is part of a wider development also including out of town retail units. The whole site is within an Area of Archaeological Potential, and a Group TPO includes the top northern corner of the site.

3.2 This wider industrial estate lies to the south of the A20 London Road. Access is from this road at the point of the cross roads with Sycamore Drive. It includes a mix of industrial users and a variety of unit sizes.

3.3 The units the subject of this application are two storey in height, some with mezzanine floors. There are 18 units split into three blocks situated at right angles to Lake Road. These were originally granted permission in 1984. Access is via three points from Lake Road with parking laid out between the three blocks of units. A two way service road curves around between the first two blocks, and the third access point leads to a dead end access and egress road. The buildings here are a mixture of brick and green profile cladding.

3.4 A row of detached two storey dwellings in Holtwood Avenue abuts the north western rear boundary of the site. A balancing pond abuts the north eastern side boundary, and industrial units lie adjacent to the south west and opposite to the south east. The site is fenced to the rear and sides but is open at present along the front boundary.

3.5 The physical rear boundary of the site is formed by the base of a tree covered bank, with a bund on top which rises up towards the rear gardens of properties in Holtwood Avenue. (This has an overall height of 7metres.) At present a palisade fence runs along the base of the bank within the site.

3.6 In terms of ownership boundaries, the actual rear boundary to the site runs along the base of the bank/bund on the other side from the industrial site, abutting rear gardens in Holtwood Avenue. Boundary fencing is in place on the top of the length of the bank/bund, leaving a portion of land within ownership of the site but being used by some residents of Holtwood Avenue as an additional part of their rear garden. One property has formalised this situation by acquiring ownership of



TM/07/00072/FL

Approved

20 February 2007

Installation of window in south elevation

## 5. Consultees:

### 5.1 KCC (H&T) : No objection on the following grounds:

- Accesses are existing with no record of any crashes in the last 10 years;
- The proposed gates would be set back 2m from the highway to allow visibility when exiting;
- The proposal allows adequate turning for cars and HGVs;
- The proposed parking provision meets the standards as set out in the Kent and Medway SPG4 – Kent Vehicle Parking Standards;
- Conditions are suggested with regard to the operation of the gates, parking spaces, turning areas, and construction related issues.

### 5.2 Parish Council: Strong objection raised on the grounds of the inability of the existing infrastructure to cope with the increased traffic movements, and the encroachment of the extensions on nearby residential properties by way of noise implications.

Private Reps : 22 + Site and Press Notice (0X/11R/1S): 11 letters of objection (three of which are from the same address), raising objection on the following grounds:

- Dispute that the boundary line is drawn correctly;
- Land on the bund abutting rear gardens in Holtwood Avenue has been maintained by some owners of properties in Holtwood Avenue for over 30 years and is a natural habitat for wildlife, flora and fauna, and bats;
- Harm to wildlife and bats;
- Increased air pollution;
- Extended units and working area would move closer to neighbouring properties and will increase noise pollution to these properties;
- Object to the position of the proposed palisade fence;
- Regular use of existing units occurs outside normal working hours causing disturbance in the night and early morning;

- Existing use of external areas for storage is not allowed;
- Noise and disturbance causing harm to amenity, (general industrial noise, HGV movements, reversing beepers, HGV refrigeration/air con unit noise from HGVs parked in Lake Road or on the site overnight);
- Litter from lorries parking in Lake Road attracts seagulls. This and the noise and unacceptable toilet practises would increase with the extensions;
- Noise pollution levels are higher in the summer months when neighbouring windows are open but the survey was undertaken in November. The noise survey was not for a long enough period and did not include evenings/weekends. The noise report assumes height of the existing bank/fence compared to ground levels are the same overall; this is not true. It also assumes all boundary treatments are in an acceptable state of repair;
- Smells from the burger van parked in Lake Road likely to increase with more units being occupied and increased personnel on site;
- The proposed extensions will increase the view of the roofs of these units from properties in Holtwood Avenue;
- Proposed retaining wall will be easy for intruders to climb and gain access to rear of properties in Holtwood Avenue, so would prefer to see the palisade fence along the bottom of the bank retained;
- Due to increased noise pollution they wish the existing rear boundary fence on top of the bund to be replaced by a 4m acoustic fence. Existing boundary treatments are not successful at preventing noise pollution, including loud screeching noises from unit 1 – 3;
- Noise pollution from a voice alarm from one of the units;
- Loss of trees on the bank will increase noise pollution;
- Increased planting is required on the bank. Wooded areas on the bank in the Conservation Area are protected so the same should be afforded to these trees;
- A guarantee is required that the proposed gates will be locked at night, and to remind users to be respectful given proximity to neighbours. The gates and fence should be secure enough to prevent boy racers and unauthorised access during weekends and evening;
- Increased traffic congestion at the point of access to/exit from the site to the A20;

- B2 use should not be included, and if allowed should be restricted. *(B2 use has now been removed from the proposal;*
- Users of the new units should be limited to those who generate low noise, low air pollution, non-industrial, non-manufacturing, or just B8;
- Validity of the traffic survey is questioned. The impact should include other sites such as the new development on the corner of Hermitage Lane, housing at Preston Hall, Allington and Barming as all feed onto the A20;
- Area outside Homebase is often flooded causing congestion on the A20 which should be resolved by a suitable study and then rectified before any new building in the estate;
- Application refers to extensions but plans show separate units;
- No indication of working hours on the application form;
- Plans showing loading from rear of lorries is a misrepresentation as some lorries currently unload from the side only by forklift;
- KCC Highways has assumed no change in traffic or parking, which is incorrect. Inadequate manoeuvring may result in lorries choosing not to enter the site;
- Plans do not show the chimneys/ventilation stacks on one of the units which have altered the skyline. If these are permitted development then similar ones on the extensions would be close to residential properties;
- Request that the scheme be amended by change to unit design so they are only extensions to existing units rather than separate units, remove all external doors to extensions other than fire exit, remove parking spaces at the end of unit E, replace existing fence on top of bund and increase height of fence on retaining wall, gates to be operated by landlord only not tenants, CCTV be installed to monitor out of work activities;
- External plant should be controlled by condition;
- Poor maintenance of trees on the bank is reducing light to neighbours properties, proper maintenance should be controlled and trees should be reduced in height at the top of the bank with more planting at the base;
- The existing green corridor created by the bund should be maintained.

One letter mentions support on the following grounds:

- Support for the proposed security gates if used correctly.

**6. Determining Issues:**

- 6.1 One of the core principles contained in paragraph 17 of the NPPF requires the planning system to proactively drive and support sustainable development to deliver the homes, business and industrial units the country needs. Paragraph 19 requires a commitment to support and encourage sustainable economic growth. The proposed development therefore meets this underlying principle of the NPPF.
- 6.2 The proposed site is within a safeguarded employment area as covered by policy E1 of the DLADPD 2008. This policy states a presumption in favour of employment uses within the area and, as such, the proposed extensions and associated development are considered to be in line with this policy and acceptable in principle. The policy does however require that any such new development shall not result in any impact upon residential amenity by way of unacceptable noise, dust, smell, vibration, emissions, visual intrusion, or traffic generation. As such B2 uses would not be appropriate in areas of the wider industrial estate which are in close proximity to residential dwellings.
- 6.3 Policy CP21 of the TMBCS 2007 also safeguards employment areas and limits the uses and development that would be appropriate.
- 6.4 The proposal is being put forward to allow for the continued growth of those existing companies which want to remain on site but need to expand, and to create new opportunities for small business use. The improved circulation road, which would be one way, is required to prevent the existing unauthorised parking by people largely not connected to the site. The blocked circulation road can lead to larger vehicles reversing back out on to the main Lake Road. The proposed frontage boundary security fencing is required to prevent the current misuse of the site which remains open after the units have closed. This misuse by young drivers and lorry drivers parking overnight is creating noise and disturbance outside of operating hours.

**Design**

- 6.5 The proposed extensions would be of a design and materials palette to match the existing units to ensure a seamless transition between old and new. The size and bulk of the extensions would continue that of the existing units and I am satisfied that their appearance would be in keeping with the industrial nature of the surrounding area.
- 6.6 The re-design of the roads within the site would be an improvement to the overall design and appearance of the site.
- 6.7 The proposed palisade fence and security gates at 2m high along the site frontage are in keeping with the industrial nature and surroundings of the area and are therefore considered to be acceptable in design terms.

### **Highways and parking**

- 6.8 A Transport Statement has been submitted with the application. This determines that, due to the small scale of the extensions and the differing operational requirements of the site compared to those of the retail park, the proposal will not cause any significant harmful addition to the current levels of traffic entering and exiting the whole estate.
- 6.9 The proposal would result in an increase in car and lorry parking on site, and a re-configuration of the access and circulation arrangements on site. The Highways Authority is satisfied that the proposed parking provision is in line with its adopted standards. The Authority also approves of the circulation arrangements in that there is adequate turning within the site for cars and HGVs. It has raised no objections to the increase in traffic generation that the extensions would generate. A number of conditions and informatives have been requested which will be added to any grant of permission.

### **Neighbouring amenity**

- 6.10 It is noted that there is neighbour concern regarding the accuracy of the rear boundary line and issues of land ownership. As mentioned at the beginning of this report, the site boundary line is shown to include both sides of the bank as being within the site ownership. This means that although there is a boundary fence along the top of the bund, the actual site ownership extends beyond this physical boundary to include the bund slope on the other side of this. This has been maintained and included by some properties in Holtwood Avenue as part of their garden space.
- 6.11 Whether any formal arrangements have been made regarding this are not relevant to the determination of the planning application. Only one property has formally obtained ownership of this part of the bund within their garden, and this is indicated by the dog leg on the site location plan. Land Registry records confirm that the boundary line as shown is in fact correct and does include the strip of land on the down slope of the bund, apart from the land to the rear of the garden to no. 65 Holtwood Avenue.
- 6.12 The proposed extensions would bring the buildings closer to the rear of the site and therefore closer to properties in Holtwood Avenue. This will increase the view of the apex of the roof of the buildings from some properties; however the extensions would be between approximately 35 – 53m from the rear elevations of properties here. Therefore the change to the view, given these distances and the lower land level of the site compared to Holtwood Avenue, would not be considered harmful to neighbouring amenity.
- 6.13 The relationship between the site and these properties also ensures no overlooking or overbearing impact on the properties in Holtwood Avenue.



- 6.14 Noise and disturbance are the main impact to be considered in terms of how the proposal will affect neighbouring amenity. To support the application in this regard a Noise Impact Assessment has been submitted. The noise level survey was carried out at the site boundary with nearest residential properties on Thursday 26<sup>th</sup> November between 7am – 11am. The dominant noise source in the area was identified as being from commercial vans, HGVs, staff and customer cars, forklifts and general noise associated with a busy industrial estate. The majority of noise was recorded as coming from external sources rather than from within the units.
- 6.15 There is some concern from residents that the survey was not conducted for long enough or at an appropriate time of day. The survey has been considered by the Local Planning Authority and was considered sufficient to illustrate the likely impact from the proposal.
- 6.16 The existing bank and bund, and the difference in land levels where the site is set below that of the houses in Holtwood Avenue, provide an existing amount of acoustic protection for these neighbours. The proposed extensions, the associated traffic movements and the newly positioned circulation road will increase the noise levels to some degree, within a closer distance to these properties in Holtwood Avenue. Any traffic movements, although slightly closer, will be to the base of the bank and so will have the maximum benefit of the bank/bund and fence. It is not anticipated that the traffic use here will be so substantial as to cause undue harm by way of noise interference from residents in Holtwood Avenue.
- 6.17 The noise assessment recommends that the units be constructed of noise insulated wall and roof panels. It is anticipated that this, along with the distance to the boundary and the bund, will result in a noise impact level at the nearest residential property of less than 30DB(A). This is considered by the Council to fall within acceptable limits. Uses falling within use class B1 are expected to generate noise levels that are acceptable near to residential areas. Any proposals for a more intense noise generating activity outside of this class will be re-assessed at such a time, as they would require permission.
- 6.18 The previous condition attached to the original permission which restricted the hours for commercial vehicles using the site will be carried forward to a grant of permission for this proposal. This is an enforceable condition should neighbours feel a breach is occurring. The original permission did not include a condition restricting the hours of operation of the approved units. It would not therefore be appropriate to add such a condition for the extensions to these units. They would be free to operate as the existing units do, with only the existing restriction to commercial vehicle movements on site.
- 6.19 There have been a number of objections from neighbours to the noise generated by lorry drivers parking in Lake Road overnight, as well as litter. This is however

something that the determination of this application cannot control as it is happening outside of the site boundary.

- 6.20 It is noted that some neighbours wish to see the existing fencing on top of the bund replaced with 4m high acoustic fencing. As mentioned above, this is not considered to be a necessary requirement as the current measures in place create acceptable acoustic mitigation measures in line with relevant requirements.
- 6.21 Security for neighbours and their properties will be improved by this proposal due the new palisade fence proposed to the front of the site securing it outside normal working hours. At present the site is open to any who wish to use it once the units have closed. Neighbours have commented that young drivers and lorry drivers are using the site, resulting in antisocial behavior and causing noise and disturbance at anti-social times of day and night. The new fence would prevent this and the gates would be closed when the units on site are closed. I am of the opinion therefore that although the existing palisade fence along the base of the bund within the site is to be removed, overall site security, and therefore that of neighbours, will be improved by securing the whole site from the front. A condition to manage the operation of the security gates will be added to ensure correct and enforceable use of the gates is in place.

### **Landscaping and trees**

- 6.22 The proposal is to thin out some of the trees on the bank, including some loss of trees as part of the excavation of the bank. These trees are not within a Conservation Area and the Council's Tree Officer is satisfied with these proposed works. A landscaping condition will be added to any grant of permission to secure some soft landscaping within the site.
- 6.23 The future maintenance of the trees is not a matter for control by the Local Planning Authority and remains the responsibility of the landowner.

### **Other issues**

- 6.24 Potential air pollution as a result of the proposal has been considered. It is recognised that the site is served by the junction with the A20 which lies within the Aylesford AQMA. Based on the expected trip generation from the proposal it is considered to be unlikely that the extensions would result in a significant deterioration of the AQMA. However low emissions options will be suggested through an informative to make the proposal air quality positive.
- 6.25 In answer to other queries raised in objection letters, the proposal must be assessed in the form which it is submitted. Suggested alternative options cannot be taken into account unless amendments are required during the course of the application in response to an issue felt to be unacceptable by the local planning authority.

- 6.26 An ecology statement has been submitted as part of the application which confirms that whilst wildlife may be present, the site is of low ecological value, and the proposal would not therefore be contrary to policy NE3 of the MDEDPD. The removal of non-native species of trees towards the base of the bank such as Norway Maple and Italian Alder will actually improve the wildlife value of the existing tree belt. A visual screen would still however be maintained following removal of these non-native species. A condition to manage the details of the tree removal would ensure appropriate thinning.
- 6.27 The proposal does not affect the height of the existing earth bund nor the boundary fencing on top.

### **Conclusion**

- 6.28 The application comprises extensions to existing commercial units which seeks to generate additional employment opportunities in the Borough. This is to be welcomed and accords with the aims of the NPPF. The relationship with the nearby dwellings in Holtwood Avenue would not represent such harm to amenities as to be considered contrary to policy, and the use of appropriate conditions will ensure that the future operation of the site is controlled so as not to be detrimental to these amenities. The application is therefore acceptable and is recommended for approval.

### **7. Recommendation:**

This was approved in accordance with the following submitted details: Details fencing dated 21.12.2015, Details retaining walls dated 21.12.2015, Planning Statement dated 21.12.2015, Design and Access Statement dated 21.12.2015, Ecological Assessment dated 21.12.2015, Noise Assessment dated 21.12.2015, Tree Report dated 21.12.2015, Transport Statement dated 21.12.2015, Location Plan 3644/P01 dated 21.12.2015, Existing Floor Plans 3644/P100 dated 21.12.2015, Elevations 3644/P200 A dated 21.12.2015, Elevations 3644/P201 A dated 21.12.2015, Elevations 3644/P202 A dated 21.12.2015, Site Layout 3644/P20 A dated 21.12.2015, Site Survey 13446/S1 dated 21.12.2015, Elevations 3644/P203 A dated 26.01.2016, Email dated 26.01.2016.

### **Conditions / Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development, other than ground works and site preparation, shall take place until details and samples of materials to be used externally, to include details of acoustic materials, have been submitted to and approved by the Local Planning

Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the approved plan as vehicle parking, loading and off-loading and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

4. No development, other than ground works and site preparation, shall take place until details of the surfacing and draining of the vehicle parking and turning area have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details before this area is brought into use and shall be so retained at all times thereafter.

Reason: To ensure the adequate drainage of surface water from the site.

5. Prior to the erection of the hereby approved palisade fence and security gates along the front boundary, details shall be submitted to and approved in writing by the Local Planning Authority, to include a management plan for the agreed operation of the security gates. This shall be implemented as approved and adhered to hereafter. The existing palisade fence along the rear boundary shall not be removed until the approved front boundary palisade fence and security gates have been erected.

Reason: To ensure the security of the site outside of working hours in the interests of the security and amenities of nearby residential properties.

6. The security gates hereby approved shall be left open during 'working hours' to prevent vehicles needing to wait on the highway for them to open.

Reason: To ensure the prevention of hazardous on-street parking.

7. Prior to the commencement of works on site, details of the provision for construction vehicle loading/unloading and turning facilities, and for the provision of parking facilities for site personnel and visitors on site, shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall be adhered to for the duration of construction.

Reason: To ensure no adverse impact upon levels of highway safety.

8. There shall be no external plant, machinery, ventilation or air conditioning units installed or operated on site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of nearby residential properties.

9. All manufacturing and storage activities shall take place only within the buildings hereby permitted.

Reason: in order to maintain planning control in the interests of the amenities of the area.

10. No development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) is to be carried out within the application site, other than the extensions and associated parking and manoeuvring space hereby permitted, without the consent in writing of the Local Planning Authority.

Reason: To maintain planning control over the premises in the interests of the amenities of the area and to prevent over development of the site.

11. The buildings hereby approved shall not be enlarged or altered including the provision of internal mezzanine floors, or the subdivision of units to create additional units, without the approval in writing of the Local planning Authority.

Reason: To maintain planning control over the subsequent enlargement of these premises in the interests of the amenities of the area and to prevent over development of the site.

12. Movements of commercial vehicles within the site shall be restricted to 07.00 - 22.00 Monday to Friday and 07.00 - 13.00 Saturdays with no movements on Sundays or Public or Bank Holidays.

Reason: In order to maintain the amenities of the area and in particular the amenities enjoyed by the residential properties in the vicinity.

13. No development, other than ground works and site preparation shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

14. Prior to any works to trees within the site, details of a scheme for the removal of trees on the bank shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority.

Reason: In the interests of the ecological value of the bank and the amenities of neighbouring residential properties.

15. There shall be no windows or doors, other than the pedestrian doors hereby permitted, created in the north western rear elevations of the extensions hereby permitted.

Reason: To protect the aural environment of the nearby dwellings.

16. No external lighting shall be installed in connection with the development unless details are submitted to and approved by the Local Planning Authority.

Reason: In the interests of neighbour amenity

17. Prior to the first occupation of the extensions hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity

18. Prior to the occupation of the extensions hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of provision for cycle parking facilities. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To promote cycling as part of a healthy active lifestyle choice in accordance with Policy SQ7 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document 2010.

19. The premises shall be used for uses within Class B1(c) and B8 only and for no other purpose (including any other purpose or permitted change in Classes B1 and B8; of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In the interests of neighbouring amenity.

### **Informatives**

1. The applicant is advised to liaise with and to update the neighbouring properties in Holtwood Avenue during the course of the construction, and afterwards should significant issues or changes arise. This will encourage good neighbour

relations between the site and adjacent properties.

2. The applicant is requested to incorporate low emission designs into the proposal hereby approved in order to achieve a positive impact upon the Aylesford Air Quality Management Area. Such designs could include a car sharing scheme for staff and visitors, dedicated spaces for low emission vehicles, electric vehicle charging facilities, cycling facilities etc. For further information on air quality and reducing air quality footprints please contact [environmental.protection@tmbc.gov.uk](mailto:environmental.protection@tmbc.gov.uk)
3. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries), should be restricted to Monday to Friday 7.30 hours - 18.30 hours; Saturday 08.00 - 13.00 hours; with no such work on Sundays or Public or Bank Holidays.
4. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management legislation. I would thus recommend that bonfires not be had at the site.
5. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings.
6. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Contact: Holly Pitcher