

**APPENDIX 1**  
**From Committee dated 7<sup>th</sup> April**  
**REPORT SUMMARY**

<b>REFERENCE NO - 14/505125/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed new detached building to accommodate three air condition units.		
<b>ADDRESS</b> Lenham Ironmongers Ltd 8 Faversham Road Lenham Kent ME17 2PN		
<b>RECOMMENDATION – Approval subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Proposed development to satisfy noise issues related to the AC unit		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Lenham Parish Council has objected to the proposal		
<b>WARD</b> Harrietsham And Lenham Ward	<b>PARISH/TOWN COUNCIL</b> Lenham	<b>APPLICANT</b> Mr Gary Taylor <b>AGENT</b> Mrs Rebecca Blundell
<b>DECISION DUE DATE</b> 24/12/14	<b>PUBLICITY EXPIRY DATE</b> 24/12/14	<b>OFFICER SITE VISIT DATE</b> 21/11/2014
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  14/502375/SUB – Condition 2 Archeological works – Granted  14/503491/SUB- Condition 3 foundation Design – Granted  13/1570- Demolition of existing building new Class A1 retail and B1 office use- Granted – 10/4/2014  13/1571- Conservation area consent for the demolition of building- Granted – 10/9/2013		

**1.0 DESCRIPTION OF SITE**

- 1.1 The application site comprises a two storey building to the front with a large single storey addition to the rear. The two storey part is of red brick under a tiled roof with modern windows. There is an existing shop front on the south side from the previous retail use, which features stone cladding. The rear single storey part is of different design and has white painted breeze block walls with a corrugated iron roof.

- 1.2 The main Co-operative building is at ground floor level primarily for A1 retail of (260m<sup>2</sup>) with an element of B1 offices (155m<sup>2</sup>) of the first floor. The site is on the east side of Faversham Road just north of the village Square. There are accesses on the south and a north side of the building and to the rear is a detached single storey building, which is used as a dance studio. The Conservation Area boundary runs along the south edge of the front building and then heads north over part of the rear of the building. There are Grade II\* and II listed buildings to the south which front 'The Square' and there is an Ancient Scheduled Monument on the opposite side of the road (18<sup>th</sup> century 'lock up) Residential properties are located to the south, west, east and north, and to north comprise sheltered housing for over 65 year olds. The site also falls within a Special Landscape Area.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for a new detached building to accommodate three air condition units. The proposed detached building would be brick built with the following dimensions:

Length- 5m  
Depth- 2.8m  
Height 2.042m

- 2.2 The AC units would be fully enclosed inside a box located towards side of the building. All the colours and materials would be matching in accordance with the proposed Co-operative stores. The designed plant area would be enclosed with 1800mm high timber fence.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF):  
National Planning Practice Guidance (NPPG):  
Maidstone Borough-Wide Local Plan 2000: ENV34,  
MBC 20016 Regulation 19 Policies

## **4.0 LOCAL REPRESENTATIONS**

- 4.1 The Old Parish Hall – Neighbouring occupiers objects to the proposal on the following grounds:
- Noise levels of these air conditioning units will be disruptive, as they get old.
  - The noise of the air conditioning units would be unbearable to their bedroom window as their window is singled glazed.
  - The noise would affect the sleep through the night. This would be intrusive and restrictive.
- 4.2 8, 9 and 10 The Square – Occupier objects to the proposal on the following grounds:
- Mechanical plant would be against their garden wall within 10m of their bedroom window.
  - Neighbours cottage is much closer at 6m away.
  - The noise from the air conditioning units would affect the houses due to the quite village location.
  - Noise from the acoustic test carried by KR Associates does not seem to provide accurate readings.

- The four machines run all day and will continue throughout the night. Each unit would create high levels of noise equivalent to 65mph wind speed.
- The fans will cause distinguishable, noise with a continuous hum that will increase with wear.
- Amenity of the gardens and houses belonging to the neighbours would be ruined.
- The design and access statement gives no explanation why the plant is required.
- The noise has been directed towards the properties with fan extraction units places towards the rear part of the properties
- The flats have sealed double glazed windows to block the sound we don't.

4.3 Butchers Cottage – Neighbouring occupier objects to the proposal on the following grounds:

- Proposed plant would be 3m from my back garden and 4m from my house.
- The noise would be continuous and would not Butchers Cottage garden, kitchen and lounge. The noise would be distinguishable every day for 24 hours.
- The readings undertaken by the applicant's noise report does not provide accurate information.
- The units would have serious ability to lice in their home and garden.
- Acoustic information looked by a professional, they states the measured noise level near the proposed source does not give accurate readings.
- The report by KT associates fails to determine these objectives.

4.4 Wickham Place, The Square – Neighbouring occupier objects to the proposal on the following grounds:

- The regular noise from the air conditioning units will affect their daily life.
- The natural habit of the indigenous animals may be damaged by these air units.
- New drawings submitted however no new acoustic sound test properly carried out.

4.5 Occupier Paul King makes following comments in response to the environmental health officers.

- The acoustic test carried out by the applicant does not relate to the existing site.
- The proposed box acts as a tunnel directing the sound towards the neighbouring.
- The plant produces 62/5dB and 5dB giving rise to the complaint.
- Objects to the proposal because the data is exactly the same as the previous issue.

## 5.0 CONSULTATION RESPONSES

Lenham Council – Object to the proposal on the following grounds:

- Noise pollution concern to residents
- The noise information on units does not provide local residents with accurate recordings.
- There is false impression on the potential impact on the properties

MBC Environmental health services- have no objections to the proposed units subject to monitoring condition.

## **6.0 APPRAISAL-**

### **Principle of Development**

The main issues to consider are:

- The visual impact to the surrounding area.
- Noise disturbance generated from the proposed air condition units on the amenities of the nearby residential properties.
- Impact on the conservation area and host building
- Loss of parking and Highway

### **Impact upon the property and surrounding area**

- 6.1 The application has been modified since submitted in order to minimise noise impact on the adjoining neighbouring occupiers. The applicant has now proposed a new building to accommodate the proposed AC units.
- 6.2 The positions of the AC units have now changed. The proposed external 3 new external A/C units would be placed internally within the proposed detached building with louvres fitted externally to allow efficient air flow.
- 6.3 The changes and position of the A/C units would therefore improve the noise reduction. This is also reflected within the new acoustic report submitted by the applicant.
- 6.4 The proposed building would be modest in scale and size and would not overwhelm the existing surrounding area. It would be well hidden from the existing street scene. The proposed building would have a floor area of 14m<sup>2</sup> and a height of 2.042m.

### **Noise impact of the proposal on the amenities of the nearby residential properties**

- 6.5 The proposed A/C housing building would be approximately 7m away from the nearest residential dwelling.
- 6.6 The objections raised by neighbouring occupiers and parish relate to noise that the development would generate however the amended plans and noise report provided by the applicant over comes these issues. The acoustic test report ensures that the noise from the A/C units would remain within the building and the additional unit would be enclosed.
- 6.7 The local residents have hired an acoustic consultant who has expressed concern about the applicant's noise report, however MBC Environmental health officer has considered and assessed the noise report submitted by the applicant noise consultant and is satisfied that the anticipated noise rating levels would not be harmful to the amenities of adjoining properties however to ensure that the proposed development noise levels are met a noise monitoring condition is recommended.

### **Impact on the conservation area and host building**

- 6.8 The siting and the position of the enclosed building would have no impact upon the conservation area and the host building due to its modest size and its location A/C housing and would not be seen from the main street scene.

#### **Loss of parking and Highway**

- 6.10 The proposed A/C housing building would result in loss of a car park space. The site currently provides some parking and the site is close to the village centre and there are large number of public car park nearby therefore loss of one car park space would not be harmful to the existing parking arrangements or be detrimental to the highway safety or amenities of the local residents.

#### **7.0 The conclusion**

- 7.01 The concerns of the neighbours and issues related to the A/C units have been dealt with in the main body of this report. It is therefore considered that overall the proposal is acceptable with regard to the relevant provisions of the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis

**RECOMMENDATION** – GRANT Planning Permission subject to the following conditions

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) No development shall take place until samples of the materials and finishes to be used in the construction of the external walls and roof of the A/C housing building hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Environmental Acoustic Test report KR04737 – February 2016

Proposed Floor and elevation plans – Drawing no DN16629 -3

Proposed Elevation Plans - DN16629-1

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers

- 4) Within three months of commencement of operations a noise report shall be submitted to demonstrate,

i-That the noise generated at the outside of any sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233:1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006.

ii-The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 0dB below the existing measured ambient noise level LA90,T for any relevant period when the plant will be operating. If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to the permitted levels, the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be installed within 3 months from the date of approval and retained at all times whilst the AC units are operational.

Reason: To prevent harm to the residential amenity of neighbouring occupiers

Case Officer: Ravi Rehal

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.