

Agenda Item 20, pages 205-213

23/501294/FULL

The Coach Park, Old Ashford Road, Lenham, Kent, ME17 2DG

Neighbouring Amenity

Concerns have been raised by neighbouring properties regarding noise impacts of the development.

Environmental Health were consulted on this application and replied with the below.

"I note comments from neighbours involving concerns of noise from the proposed tyre bay. The proposed tyre bay is approximately 30m away from the nearest residential dwelling with the car wash area of the site approx. 80m away. I note the committee report (dated 21st September 2023) recommends limits on hours of operation of the development to 9:00-18:00 Monday-Saturday and 10:00-16:00 on Sundays and Bank Holidays and these limitations should reduce noise impacts, particularly during more sensitive hours (e.g. night).

I recommend that a BS4142-type assessment is completed and submitted for approval of the local planning authority prior to use of the tyre bay so that if any mitigation is required it can be implemented. Additionally, I would also recommend a noise management plan be developed for the site overall to consider noise-generating activities and implement procedures for ensuring impacts to neighbours are minimised.

If any external lighting is proposed for the site, further detail should be provided to the local planning authority by way of condition.

The applicant is advised of the guidance in the Mid Kent Environmental Code of Development Practice which highlights several methods of reducing environmental impacts associated with development. Compliance with this document is expected for all developments."

These comments reflect the text of the officer report, i.e. that due to the distance the development would not cause a significant loss of amenity to neighbouring occupants. No objections are raised by the service subject to the imposition of conditions relating to noise management and external lighting, the full text is detailed below.

Highways Matters

Local Plan policy DM 1 states that proposals will be permitted, where they can safely accommodate the associated vehicular and pedestrian movement on the local highway network and through the site access. Policy DM 21 states that development proposals must "Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied".

Policy DM 21 states that development proposals must "Provide a satisfactory Transport Assessment for proposals that reach the required threshold and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Councils Guidance on Transport Assessments and Travel Plans and in Highways England guidance". Formal Transport Assessments are normally required for non-residential development providing more than 1,000 square metres of employment space. The current application is significantly below this threshold relating to floor area of 100m².

The site predominantly consists of hard surfacing and as such it is reasonable to conclude that it would be able to accommodate the vehicle movements of what is a relatively small development.

There has been one vehicle incident recorded on Old Ashford Road in 2017 which crash map rates as 'serious, the site benefits from a relatively large existing access some 14m in width. It is not assessed that the development would cause harm to the highway network.

Conclusion

Officer recommendation of permission remains, delegated authority is requested to impose the following conditions and amend condition 5, as follows.

- 1) Noise (BS4142): Within 6 weeks of the date of this decision an acoustic report assessing the impacts shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicants consultant should contact the Environmental Protection Team to agree a site-specific target level.

The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: To safeguard the aural amenity of neighbouring occupants

- 2) Noise management plan: Within 6 weeks of the date of this decision a noise management plan covering the entirety of the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to examples such as hours of operation and delivery, control of noise from plant and machinery, noise from internal and external activities. The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints.

Once approved the plan shall be implemented to the satisfaction of the local planning authority.

Reason: To safeguard the amenity of neighbouring occupants.

- 3) External lighting: No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and maximum luminance/factory measurements) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained, and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the night time amenity of neighbouring occupiers and the area in general.

5) The use hereby permitted shall cease and all structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
- a) The extent of hardstanding.
 - b) existing external lighting on the boundary of and within the site.
 - c) A noise management plan
 - d) An acoustic report
 - e) details of existing landscaping and details of soft landscape enhancements, specifically planting to the south west and south east of the Tyre Bay building in order to screen the building from Old Ashford Road.
 - f) details of the measures to enhance biodiversity at the site, specifically bird boxes and other habitats installed around the site boundaries; and,
 - g) a timetable for implementation of the scheme including a) to e) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
- ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.

iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character, and appearance of the open countryside location.