

## REPORT SUMMARY

<b>REFERENCE NO - 14/505125/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed new detached building to accommodate refrigeration condenser unit		
<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 condenser 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 BACKGROUND INFORMATION

1.1.1 This item was deferred by Members at Planning Committee on 7<sup>th</sup> April 2016. Members deferred the item due to noise concerns arising from external mechanical equipment. Members also requested that a representative from Environmental Health be present when the application is reconsidered at Planning Committee.

1.1.2 This report acts as an addendum to the original report (attached as appendix 1) and provides additional information related to the proposed development.

#### 1.13 URGENT UPDATE

- Members attention is drawn to the urgent update report which included representations from Cllr Jannetta Sams. Phone calls were made by Cllr Sams for

the application to be called into the committee in December 2014, September 2015 and March 2016

- Objection from Imogen King stating that the condenser will not function properly within the proposed screen and that the calculations are incorrect.

## **2.0 DESCRIPTION OF SITE**

- 2.1 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.
- 2.2 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.

## **3.0 PROPOSAL**

- 3.1 Planning permission is sought for a new detached building to accommodate one condenser unit. The proposed detached building would be brick built with the following dimensions:

Length- 5m  
Depth- 2.8m  
Height 2.042m

- 3.2 The condenser unit 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.

## **4.0 ADDITIONAL INFORMATION IN REGARDS TO THE PROPOSAL**

- 4.1 Information below has been provided by the applicant to address Member's concerns.
- 4.2 The plant enclosure would accommodate a refrigeration condenser unit only. This would be required for the operation of the internal fridge units that would run permanently throughout the day. The condenser will operate with maximum noise level based on a 32C ambient between 07:00am- 23:00pm. During the night this noise output would be reduced during the hours of 11pm -7am with a noise level based on 23C. The unit will have an automatic control. The proposed AC units have been placed behind silencers within the main building resulting in very little impact on the overall noise levels.

- 4.3 Further to discussions with the environmental health officer, condition 4 has been amended to ensure its requirements are clearer and to assist its future monitoring process.

Within three months of operation of the development the applicant shall submit an acoustic assessment report from a suitably qualified person demonstrating that,

*The rating level of sound emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound) does not exceed the existing measured background noise level (LA90,T) or 25dB whichever is higher for any relevant period when the plant will be operating.*

*The noise generated at the boundary of any noise sensitive property does not exceed NR35 as defined by BS8233:2014 Guidance on sound insulation and noise reduction for buildings.*

*If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to be 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 condenser unit is operational.*

*The equipment shall be maintained in a condition so that it does not exceed NR35 or the BS4142 requirement as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.*

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

- 4.4 The proposed enclosure has been designed to reduce noise in conjunction with the applicant's noise consultant. The enclosure would be built using special materials consisting of timber and noise insulation sheets that would be implanted using a special selected contractor. This would further reduce noise within the proposed enclosure.
- 4.5 The proposed enclosure will be installed prior to the running of the plant and the applicant would be happy for a condition to be imposed such that no plant is to run until all mitigation proposals as per submitted drawings are in place.

## **5.0 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

## **6.0 CONCLUSION**

- 6.1 The concerns of the neighbours and issues related to the A/C and condenser 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

The concerns of the neighbours and issues related to the A/C and condenser units have been considered within the previous report attached as Appendix 1 with the additional details and clarification provided within 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. 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 operation of the development the applicant shall submit an acoustic assessment report from a suitably qualified person demonstrating that,
  - The rating level of sound emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Methods for rating and assessing industrial and commercial sound) does not exceed the existing measured background noise level (LA90,T) or 25dB whichever is higher for any relevant period when the plant will be operating.
  - The noise generated at the boundary of any noise sensitive property does not exceed NR35 as defined by BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

If the noise level exceeds the measures set out above, then further mitigation measures shall be introduced to reduce the noise levels to be 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 condenser unit is operational.

The equipment shall be maintained in a condition so that it does not exceed NR35 or the BS4142 requirement as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

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

- 5) No plant shall be operational until such time as the mitigation measures shown on the approved plans have been installed to the satisfaction of the Local Planning Authority.

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.