

SECTION '2' – Applications meriting special consideration

Application No : 16/01124/FULL1

Ward:
Darwin

Address : Bristol Street Motors Ltd Sevenoaks
Road Pratts Bottom Orpington BR6 7LP

OS Grid Ref: E: 545528 N: 163224

Applicant : Mr Andy Johnson

Objections : YES

Description of Development:

Retrospective application for the installation of required ventilation ductwork , air handling unit and condensers, with a 2.7m high timber acoustic fence and gates around the plant.

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding

Proposal

This application relates to a car showroom premises which also incorporates valet and wash areas and stores within the same building. Part retrospective planning permission is sought in respect of a ventilation and air handling unit plant which has been installed to the western (rear) elevation toward the south-western corner of the building. A 2.7m high acoustic fence is also proposed around the extraction equipment.

This application is to be considered in conjunction with application Ref: 16/00594/FULL1 which relates to the installation of a new car washing facility within the site.

Location

The site is situated adjacent to the A21 Sevenoaks Road, by a major roundabout which adjoins High Street Green Street Green, Old Hill and Cudham Lane North. The site contains a sales building and workshop and an outside parking area used in connection with this dealership.

Consultations

Comments from local residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows

- o Noise level is unacceptable
- o The fence will not block out the noise
- o Eyesore, no effort has been made to encase the equipment
- o The addition of a noise impact report is unreliable
- o The air handling unit can not be properly measured when there are two jet washes in operation
- o The equipment can not be adequately measured within 1 hour as the use of the system varies.
- o The fence will not stop the noise travelling upwards towards the windows
- o Issues with staff parking
- o Ductwork not drawn to the correct scale and is actually bigger
- o Should be considered in conjunction with application 16/00594 which places excessive acoustic activity and adds additional nuisance to residential properties
- o Work carried out illegally and should be removed

Consultee Comments

Following submission of an acoustic assessment the Council's Environmental Health division has not raised objections to the application subject to installation of the acoustic fence around the plant fully in accordance with the submitted details and also subject to the following condition:

At any time the combined noise level from the air conditioning plant at this site in terms of dB(A) shall be 10 decibels below the relevant minimum background noise level, LA90(15mins) measured at any noise-sensitive building. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. Thus if the predicted noise level is 40dB(A) from the plant alone and the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. The L90 spectra can be used to help determine whether the plant will be perceived as tonal.

Once permitted, the acoustic fencing should be installed as early as possible.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development

7.15 (London Plan) Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Townscapes

Planning History

There is a detailed planning history associated with the application site, with details of application since 1983 summarised below.

85/00138/FUL - New body workshops together with renovations and alterations to existing buildings - Refused

88/02662/FUL - Detached building comprising body and paint workshop showroom and ancillary facilities together with canopy over used car sales area - Permission

91/00779/FUL - Change of use from workshop building to mot test centre - Permission

93/03083/FUL - Single storey extension to enlarge showroom and car preparation area - Permission

95/00379/FUL - Single storey extension to provide three vehicle valet bay - Refused

04/00343/FULL2 - Change of use to the display and sale of vehicles and alterations to existing boundary and landscaping treatment, use of land (formerly Larches Petrol Filling Station) for associated car parking for customers and staff - Refused

06/00853/VAR - Variation of condition 6 of permission ref 04/03446 to read 'No movement of vehicles for sale shall take place on the land coloured orange on Plan AR5 on any Sunday, Bank Holidays, Christmas Day or Good Friday or before 8.30am or after 6.30pm on any other day' - Approved

09/00521/FULL1 - Detached building for MOT workshop - Permission

13/04278/FULL1 - Erection of parapet cladding screen, elevational alterations, new entrance, relocation of wash/valet bays and alterations to site entrance and car park - Permission

15/00271/FULL1 - Installation of ventilation ductwork and air handling unit and instillation of acoustic fencing to enclose plant RETROSPECTIVE APPLICATION - Refused

15/01917/ADV - Three internally illuminated fascia signs and one part externally/part internally illuminated entrance sign (Signs A, B, D and E) - Refused

15/02218/FULL1 - Installation of new car washing building and installation of acoustic fencing adjacent to boundary with 11-15 Cudham Lane North - Refused

Application 15/00271/FULL1 was refused on the following grounds:

- The proposed air handling unit, by reason of its unacceptable level of noise generation and disturbance, would result in a detrimental impact upon the amenities of the adjoining neighbours thereby contrary to Policy BE1 of the Unitary Development Plan and 7.15 of the London Plan.

Application 16/00594/FULL1 is currently under consideration for a new car washing building and installation of an acoustic fencing adjacent to the boundary with 11-15 Cudham Lane North.

Conclusions

The main considerations in this case relate to the impact of the proposal on neighbouring amenity, with particular regard to being able to achieve satisfactory noise attenuation.

The application is a re-submission of that as previously refused (ref: 15/00271/FULL1), the following amendments have been submitted:

- Upgrade of the acoustic fencing to allow for a 16db reduction in noise.
- Agreement to the conditioning of fencing to the rear of 11-15 Cudham Lane North to alleviate concerns regarding aesthetical impact.

The application site forms a major local car dealership which also incorporates vehicle maintenance, within which various activities have been consolidated over recent years. Whilst this application is also being considered at the same time as one for a car wash facility (ref: 16/00594/FULL1.) the two applications should be considered on their own individual merits. In this case, retrospective permission is sought in respect of the plant and ducting situated to the SW corner of the main building within the site, which also incorporates the showroom. In addition, this application proposes the installation of acoustic fencing around the plant to provide noise attenuation.

A Sound Impact Assessment was undertaken which measured background noise levels around the site. The sound impact from the site was discussed with the Local Authority and it was agreed that, as far as practicable, the sound impact at the nearest sound sensitive locations should not exceed a level at 10 dB below the background sound level. Background sound levels at the nearest sound sensitive location have been measured and sound level measurements of the current car washing activities have been carried out.

The Sound Impact Assessment concluded that, on the basis of its measurements, the highest calculated rating level at the Nearest Sound Sensitive Location is 9 dB below the measurement background level, LA90, 1 hour, on the basis of mitigation measures, and therefore complies with the limits indicated by the Local Authority. Following consideration of this assessment, the Council's Environmental Health section has raised no objection to the application, subject to conditions that limit noise emissions, and for the installation of acoustic fencing around the plant. The Applicant within this application has voluntarily upgraded the fencing around the equipment to provide enhanced noise mitigation, over and above what is required in order for the scheme to be considered acceptable.

On the issue of visual amenity, whilst the proposed ducting is substantial in size, on balance it is considered that this is acceptable within the commercial context of the site and, furthermore, that its separation from neighbouring residential properties along Cudham Lane North (which incorporates a service road and

boundary fencing), provide a suitable buffer. The plant itself will be screened by the acoustic fencing and the Applicant has put forward a suggested condition that a close boarded timber fence to the rear of 11-15 Cudham Lane North could be erected to mitigate any further concerns regarding aesthetical impact.

It is reiterated to Members that there is no objection raised from Environmental Health with regard to noise or disturbance impact resulting from the development on neighbouring amenity.

Background papers referred to during production of this report comprise all correspondence on the file refs set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 Details of 1.8m high fencing to be installed to the rear boundary of 11-15 Cudham Lane North shall be submitted and approved in writing within 6 months of the grant of planning permission.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance and the visual amenities of the area and the adjoining residential properties.