

Aylesford
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7 August 2006 TM/06/02612/FL

Proposal: Change of use of first floor accommodation to restaurant and pre-drinks area
Location: 7 - 9 High Street Aylesford Kent ME20 7AY
Applicant: Mr Paul Smith

1. Introduction:

- 1.1 This report relates to the change of use of the first floor of the Hengist Restaurant from two guest bedrooms and a drinks area to a first floor restaurant and drinks area. Members will recall that this application was reported to APC 3 on 16 August 2007 for information subject to the receipt of an acoustic report a copy of this report is attached as an appendix to this report.
- 1.2 A report has now been received and is subject to formal public consultation, the results of which will be reported in the supplementary report. The report states that there is an issue of noise transfer between the two properties but this impact could potentially be mitigated by a number of measures, such as the use of carpeting and the construction of a partition wall. The latter measure would also require listed building consent. The suitability of these measures is currently being assessed and Members will be advised in the supplementary report.

2. Consultations:

- 2.1 DHH: Concurs with the consultants conclusions that greatest problem is noise transfer from scraping chairs etc with airborne noise secondary and with regard to the proposed noise control measures and the need for appropriate management of the first floor dining rooms. Would not wish to object to the use of the first floor rooms for dining/food preparation purposes subject to conditions to require:-

- The implementation and subsequent maintenance of the noise control measures, laying of carpet and hanging of heavy curtains, recommended by the consultant; and
- A restriction on the times when the first floor rooms may be used to between the hours of 09:00 and 23:00 on any day

In view of the relatively modest cost of implementing the noise control measures and to test the effectiveness of the management control exercised by the proprietors of the business it is considered that it may be appropriate that any permission that might be granted be for an initial trial period of say one year.

- 2.2 Private Reps: Views awaited.

3. Determining Issues:

- 3.1 Given the content of the acoustic report and the comments from DHH it is considered that although it would not be possible to eradicate all noise transfer between properties the measures proposed should reduce the impact to a level where it would not be considered a nuisance. It is therefore considered appropriate to recommend that a temporary permission be granted for the period of one year subject to conditions seeking carpeting and heavy curtains, hours of use restrictions on the upper floors and also the previously discussed restriction on the use of the terrace area to 9pm or dusk, whichever is earlier. It is not considered appropriate at this stage to request the construction of a partition wall due to the potential impact on the fabric of the Listed Building and also the need for further permissions for the works.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with letters dated the 7 December 2006, 4 August 2006, 29 November 2007, drawings LC729 001 L01 and LC729 001 L02 and Assessment of Noise Impact on Attached Residence dated 2 November 2007 subject to the following conditions.

- 1 The use hereby permitted shall be discontinued and the building returned to its former use on or before 28 February 2009. (T002)*

Reason: In order to enable the Local Planning Authority to monitor the impact of the development.

- 2 Within two months of the date of this permission the upper floor of the building will be carpeted and heavy curtains hung in accordance with the recommendations of the acoustic report. These measures shall be completed and retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity

- 3 The first floor rooms shall not be used outside the hours of 09:00 and 23:00 on any day.

Reason: In the interests of residential amenity

- 4 The terrace area shall not be used outside the hours of 09:00 and 21:00 or dusk, whichever is sooner, on any day, with the doors kept closed at all times.

Reason: In the interests of residential amenity

Contact: Robin Gilbert