



# Delegated Report

## Approval of Details Application

**Application no:** 20250589

**Location:** Ebbsfleet Rainbow Centre Rose Street Northfleet Gravesend

**Description:** Application for the approval of condition 2 (Plant and Equipment and Noise Impact Assessment) attached to planning reference number 20240395.

**Applicant:** Okoruwe

**Site Visit Date:** N/A

### Submitted Documents/Plans

- Application form;
- Drawing no. DC1 - Ground Floor Plan, Front Elevation Cross Section & Block Plan;
- Noise \*Impact Assessment - 'BS4142:2014 Assessment of The Dizz Hub, Ebbsfleet Rainbow Centre, Rose Street, Northfleet, Kent, DA119EQ' by E2 Consultants Ltd; and
- Plant Equipment Covers - 'Letter from MGS Refrigeration.

### Relevant Planning History

| Reference | Description                                                                                                                                  | Decision  | Decision Date |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20240395  | Change of use of upper floor only from F2(b) Community Hall to F2(a) Retail Shop (retrospective) and insertion of window in front elevation. | PERMITTED | 07.08.2024    |

### Background

Planning permission was granted for 'Change of use of upper floor only from F2(b) Community Hall to F2(a) Retail Shop (retrospective) and insertion of window in front elevation' under application ref. 20240395 on 7 August 2024. This was subject to a number of conditions including condition no. 2 which this application seeks to discharge.

The development approved had already been carried out at the time of application ref. 20240395 being submitted. Condition 2 therefore had a time constraint of three months from the date of the permission for the details to be submitted. Condition 2 of application ref. 2020395 is as follows:

*2. Within 3 months of the date of this permission details of the location and appearance of any plant and equipment together with a noise impact assessment which shall be carried out by a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority.*

*The report shall take into account the days/times of operation and the details and impact of any plant or equipment. The report must demonstrate how the proposed development will comply with the following:*

*The rating noise from fixed building services/mechanical plant/equipment associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014.*

*The plant and equipment shall be carried out in accordance with the approved details within two months of their approval and shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant and equipment, no new plant or ducting shall be installed without the written consent of the Local Planning Authority.*

**Reason:** To safeguard the amenities of occupiers of adjoining and nearby properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

## **Consultations**

### **GBC Environmental Protection**

The 'BS4142:2014 Assessment' by E2 Consultants Ltd (the report is undated and there is no reference number) has been reviewed. The assessment has been undertaken in accordance with BS4142 and as the plant/equipment is already in situ, noise measurements of the plant in operation were able to be taken.

The report advises that at the nearest noise sensitive dwellings - houses in Ebbsfleet Walk (south) and Rose Street (west), the rating level of the noise is +20dB above the measured background noise levels. This is +30dB above the level required by condition 2 and in terms of BS4142, this level is indicative of a significant adverse effect/impact.

Mitigation measures are therefore needed to significantly reduce the noise levels. Alternatively, a new location for the plant should be looked at, or alternative plant selected and installed in order to comply with the condition. Various mitigation measures are proposed in section 6.2 of the report, and it's noted that a specification for low sound covers by MGS Refrigeration has been submitted. The latter advises that the covers can provide an attenuation of up to 20dB.

It's not clear however, if these covers have been fitted to the plant and equipment. This needs to be clarified with the applicant. Bearing in mind the excessive noise being emitted by the installed plant and equipment above the background noise levels, that much of it runs 24/7 and also the fact that without proper maintenance and servicing, this type of equipment generally gets noisier with age, it is advised that the condition is **not** discharged until the noise mitigation measures are installed (as required by the condition to achieve 10dB below background) and tested to demonstrate that the condition has been complied with.

## **Analysis**

The Noise Impact Assessment states that while there are some options for mitigation, it is likely that there needs to be a rethink on the location and height of the units that have been mounted. For the units on the western boundary it is recommended that the units be moved from roof level to ground level which would reduce the noise impact by 8dB which bring it back down below background noise levels. A second option for the western boundary would be a 1.5m high & 1.5m deep screen around the units. For the southern boundary which has the chiller and AC units it is said that it will require more significant attenuation here requiring a reduction of at least 20dB. It is said that this could be achieved by replacing the existing railings with 5m high acoustic fencing which would also need to be of an acoustic quality. The report also advises that the age of the AC units above the chiller are assessed along with their efficiency as newer units may also reduce the noise impact in the area. It is also recommended that the manufacturer of the chiller unit should be contacted to see there are suitable acoustic enclosures that can be specified for the unit or improvements that can be made that may benefit the noise outcome from the unit. It then states that testing should be done post mitigation measures to make sure that the noise levels are no longer going to cause the significant adverse that the current layout and units do.

GBC Environmental Protection note the findings of the Noise Impact Assessment and that it states that the noise levels of the plant are +20dB above the measured background noise levels which is +30dB above the level required by condition 2 and in terms of BS4142, and that this is indicative of a significant adverse impact. They note that mitigation measures are therefore needed or alternatively a new location or an alternative plant unit. They note the mitigation measures proposed in the report and that the applicant has submitted a letter from MGS Refrigeration which states that they have reviewed the Noise Impact

Assessment and that suggest the installation of low sound covers to the refrigeration units to address the adverse noise impact. They advise that low sound covers are capable of reducing noise levels by up to 20dB which represents a reduction by half in audible sound level. The images of the low sound level covers is:



GBC Environmental Protection advise that it is not clear if these covers have been fitted to the plant and equipment and that this needs to be clarified by the applicant and that the condition is not discharged until the noise mitigation measures are installed (which need to achieve 10dB below background noise levels as stated in condition 2) and tested to demonstrate the condition has been complied with.

Condition 2 however, states that the plant and equipment shall be carried out in accordance with the approved details within two months of their approval and shall be maintained and operated in compliance with the approved scheme; it does not state that the noise mitigation measures have to be installed before condition 2 can be discharged. As such this application does not need to be held until the noise mitigation measures have been installed before condition 2 can be discharged. It is the case that condition 2 can be discharged and the noise mitigation measures will then need to be installed within two months of their approval.

It is therefore considered that sufficient details have been submitted to discharge condition 2 of application ref. 20240395 and condition 2 can be discharged.

**Recommendation:** Approval of details

**See draft Decision**

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Ms Rebecca Harrison                                                                 | <b>Team Leader:</b> | Mrs Faye Walsh                                                                        |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 15th September 2025                                                                 | <b>Dated:</b>       | 16 September 2025                                                                     |