

Delegated Report

Discharge of Condition

Planning Application No: 20260668

Location: 1A - 1B Wellington Street Gravesend Kent DA12 1JA

Description: Application for the approval of condition 3 (Sound Insulation) attached to planning reference number 20250866.

Applicant: Mrs Veerpal Kaur

Site Visit Date: None (desktop assessment)

Submitted Documents/Plans

Application form for approval of details reserved by condition;
Acoustic Design Review 31 March 2026;
Sound Insulation Test Report no. 115916; and
Email from the agent received 27 August 2026.

Relevant Planning History

Reference	Description	Decision	Decision Date
20250866	Alterations to the front facade, replacement of windows, installation of an additional door to provide separate access to the commercial and residential units, and removal of internal walls within the shop area to create an open-plan commercial space.	Permitted	19.12.2025

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- None

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to

meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 14 – Achieving well-designed places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement, the Court found that the weight to be given to an emerging Local Plan was a matter of planning judgement, which had to be reached having fully considered the relevant part of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan.**

This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

Second response:

The email explanation dated 27 August and attached photos and invoices demonstrates that the insulation works have been completed satisfactorily.

There is no objection to the condition being fully discharged.

Initial response:

A sound insulation test has been carried out which show that the existing party wall between the commercial and residential passes the target required by Building Regulations. However, it is noted that there were some deviations from the standard test such as the receiving room (the residential living room) being furnished and open to the floor above via a stairwell as opposed to an enclosed room. This gives some uncertainty to the test results and is not a fully compliant test.

Based on the results of the test, works will be needed to update the wall to achieve the DnT, W + Ctr of not less than 53 decibels as required by the condition. A specification has been drawn up which includes 2 layers of SoundBloc plasterboard and rockwool RWA45 over the existing wall. This has been modelled using INSUL software and the required level of insulation should be achieved.

The existing door is also to be blocked up and a specification for this has also been provided.

The 1st part of the condition has been complied with in that a sound insulation test and specification has been submitted for approval. The condition does require a post completion test before it can be fully discharged.

Officer's Analysis

Planning permission reference 20250866 was granted for alterations to the front facade, the replacement of windows, the installation of an additional door to provide separate access to the commercial and residential units, and the removal of internal walls within the shop area to create an open-plan commercial space at the application site. This application seeks to discharge condition 3 of that permission.

Condition 3 reads as follows;

3. *Prior to the works commencing, a sound insulation assessment shall be carried out, submitted to and approved in writing by the Local Planning Authority. The Assessment shall include details of the assessment methodology and the sound insulation performance of the partition between the commercial and residential.*

The sound insulation performance of partitions between the different uses, shall resist the transmission of airborne sound and impact sound to demonstrate that the minimum levels stated in the Building Regulations are capable of being complied with. The assessment will also include details of any proposed works to achieve these levels.

The construction that separates the residential and commercial unit shall aim to resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 53 decibels (i.e. an enhancement of the minimum levels stated in the Building Regulations of 10dB). The assessment will also include details of any proposed works to achieve these levels.

Any works identified as being required in order to achieve these minimum levels shall be implemented and evidence provided (if necessary, by way of a further sound insulation assessment report) for approval by the Local Planning Authority prior to first occupation. Overheating and ventilation must also be considered in the design of any mitigation.

Reason: To protect the residential amenity of adjoining occupiers and in accordance with Policy CS19

of the Gravesham Local Plan Core Strategy (2014).

The submitted details provide sufficient information to satisfy the requirements of condition 3. No objections have been raised by GBC Environmental Protection Team (Regulatory Services) and they highlight that the information demonstrates that the required insulation works have been completed satisfactorily.

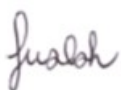
Conclusion

The submitted details provide sufficient information to satisfy the requirements of condition 3 of planning permission 20250866. Therefore, the condition has been addressed in its entirety and can be discharged.

Recommendation

Condition 3 of planning permission 20250866 can be discharged.

(For details and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	2nd September 2026	Dated:	02 September 2026