

# Delegated Report

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**Planning Application No:** 20230227

**Location:** The Three Crutches, Old Watling Street Higham Rochester

**Description:** Application for approval of condition 2 attached to planning permission reference number 20210795 relating to a noise impact assessment of the existing play area on nearby residential properties.

**Applicant:** Ms Natasha Milinkovic, Punch Partnerships

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## Submitted Documents/Plans

Application form  
Noise Impact Report by dBA Acoustics  
Drawing no. 21.069.PT.G 300 (block and site location plan)

## Relevant Planning History

20210795      Retrospective application for relocation of play area  
Approved      28 September 2021

## Development Plan

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS19 - Design & Development Principles
- CS20 – Heritage and the Historic Environment

### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that 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 as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

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 (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making

- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – Conserving and enhancing the historic environment

#### Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Landscape Character Assessment (2009)

### **Consultations, Publicity and Representations**

#### Consultees

#### GBC Environmental Protection

This Service is in receipt of a noise impact assessment: Report 1494.NIA.00, provided by **dba Acoustics** dated 07/03/2023.

The aforementioned report was undertaken in order to identify the likely impact of noise/vibration arising from the children's play area on nearby receptors.

The report suggests the new children's play area is unlikely to attribute to an adverse noise impact with a nominal 1dB exceedance based on a worst-case scenario.

It is important to note that whilst the guideline levels of BS8233 and WHO were only exceeded by 1dB in a worst-case scenario of the report, the average background level will have a more significant increase during the operation of the pub/play area.

Therefore, in order to conserve the quality of life of nearby residents, it is essential that the recommendations/mitigation measures set out in section 6.2 of the report are duly implemented. Such measures are vital due to the development's active location.

In principle this Service is satisfied with the information submitted and would like to see the above recommendation/s carried out. Once confirmation of the mitigation measures has been submitted to the Local Planning authority, this Service would be happy to recommend the discharge of Condition 2 attached to planning permission ref: 20210795.

#### Neighbouring properties

As this is an application to discharge a condition relating to the technical details of noise neighbouring properties were not consulted however Local Councillors have been consulted. Some Councillors met the Council's Enforcement Officer on site to discuss the play area and options open to them. They were advised that the play equipment has permission in its current position but would need a further consent if the applicant's decided to relocate it.

### **Officer's Analysis**

This application has been submitted in order to discharge condition 2 of 20210795. This condition was imposed due to concerns raised by neighbouring residents relating to noise arising from the relocation of the play area to its current position closer to residential properties. The condition was imposed to ensure that any noise arising from the equipment would fall within acceptable levels. As this is an application to discharge a condition and permission has already been granted for the play equipment details of design, character and appearance are not being considered. The only issue to be considered is the impact on the neighbours' amenities in terms of noise.

Condition 2 states:

*Prior to the bringing into use of the play equipment hereby permitted a noise impact assessment of the existing play area on nearby residential properties shall be carried out, and a full report of the findings and recommendations submitted to the LPA for approval, with reference to World Health Organisation (WHO) Guidelines for Community Noise, and BS8233:2014. Any works identified as being required to achieve the above shall be carried out prior to the first operational use of the equipment.*

*Reason: In order to ensure acceptable living conditions for the future occupants, in accordance with adopted Gravesham Local Plan: Core Strategy Policy CS19.*

The applicant has submitted a noise report in support of the application. The content within the report is acceptable and the condition can be discharged. The condition requires that any works identified as being required must be carried out before the equipment is used. Therefore the recommendations made in para. 6.2 of the report have to be implemented before the play equipment can be brought into use.

### **Conclusion & Recommendation**

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

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|----------------------|------------------------------------------------------------------------------------|---------------------|-----------------------------------|
| <b>Case Officer:</b> | Mrs Alison Webster                                                                 | <b>Team Leader:</b> | <b>Richard Hart</b>               |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                     |
| <b>Dated:</b>        | 25th April 2023                                                                    | <b>Dated:</b>       | <b>25<sup>th</sup> April 2023</b> |