

Delegated Report

Approval of Details Application

Application no: 20250095

Location: Crown And Thistle Public House 44 The Terrace Gravesend Kent

Description: Application for approval of condition 3 attached to planning permission reference number 20240131 relating to a full sound insulation test.

Applicant: Mr A Rai

Site Visit Date: N/A

Planning permission was granted for conversion of the building from a public house with flat above to a 5 bedroom House of Multiple Occupation (HMO) with associated internal and external alterations under application ref. 20240131 on 22 October 2024. This was subject to a number of conditions including condition no. 3 which this application seeks to discharge.

The information submitted in pursuance of this condition is:

- Cover Letter;
- Application form;
- Drawing no. 22/399/03 Rev. F – Proposed elevations, location and block plan;
- Drawing no. 23/399/05 – Proposed section;
- Drawing no. 23/399/04 Rev. D – Proposed plans;
- Noise Impact Assessment Report No. MRL/100/2038.1v1 October 2023 by MRL Acoustics; and
- Sound Insulation Testing Report No. MRL/100/2183.1v1 July 2025 by MRL Acoustics.

Consultations

GBC Environmental Protection – 21/03/2025 (First comment)

The submitted details have been reviewed. The applicant still appears to be trying to avoid complying with condition 3 as per their post permission correspondence. I can only re-iterate the comments I made in the email to planning dated 24/10/2024:

The requirement for the sound insulation levels of the partition between a commercial use on the ground floor and residential above (HMOs in this case) to be at an enhanced/better level than that required by building regulations is a common requirement in this type of situation, not just for Gravesham' EP team but for many other Local Authority EP teams. It is particularly important for the sound insulation quality of the partition to be suitably robust when the commercial use on the ground floor is a pub which obviously has the potential to cause quite a bit of noise – customer voices, music, late nights etc. Otherwise, there is the likelihood that we'll end up with noise complaints which are difficult, timely and costly to resolve, particularly when involving structural inadequacies.

The expectation would be for a sound insulation test to be undertaken of the partition to assess its performance, and then a design can be put together for any upgrading works to achieve the required specification. This is in most cases possible with works to the ceiling below, the floor above or a combination of both. Ideally the test should be repeated once works are completed so that the work can be evaluated.

I appreciate that this work can be difficult in a listed building but if, as you say, the Conservation Officer is not unduly concerned as there is little if any historic value left in the building, then there shouldn't be a problem.

With regards to the consultants' comments regarding HMO's, Building Regulations Part E is applicable if the premises falls within the definition given in the Housing Act 2004 and therefore meet the definition of a room for residential purposes in regulation s(1) of the Building Regulations:

'Interpretation (Regulation 2) 'room for residential purposes' means a room, or suite of rooms, which is not a dwelling house or a flat and which is used by one or more persons to live and sleep and includes a room in a hostel, an hotel, a boarding house, a hall of residence or a residential home, but does not include a room in a hospital or other similar establishment, used for patient accommodation.

When rooms are defined as rooms for residential purposes the requirement E1 of Part E of the building regulations applies.'

Therefore, part E applies to HMO's regardless of number of rooms as far as I'm aware.

I would suggest that the sound insulation test is undertaken and then the noise consultant/applicant can evaluate the options.

I note that the sound insulation test has still not been undertaken as advised and the applicant is relying on the Noise Impact Assessment submitted with the original application which provides some information on upgrading of the floor/ceiling partition which will predicts that there will an air borne sound insulation of 45 dB DnT,w + Ctr which is 2dB better than the minimum level of 43 dB DnT,w + Ctr required under Part E.

Again, I can only stress that in order to comply with the condition, a sound insulation test needs to be undertaken in order to fully assess the current quality and robustness of the floor/ceiling partition and then recommendations as to whether or not any improvements needs to be made. Regardless of whether this is an HMO or a private dwelling, and regardless of the Building Regulation requirements we do ask for a better level of sound insulation between commercial and residential for the reasons given in my previous email and the original consultation response.

It is advised that the condition cannot be discharged at this stage.

GBC Environmental Protection – 26/09/2025 (Final comment)

The 'Sound Insulation Testing' report dated July 2025 by MRL Acoustics (Report Ref: MRL/100/2183.1v1) has been reviewed.

The report demonstrates that an appropriate sound insulation test has been undertaken in accordance with the requirements for Condition 3 for various partitions within the buildings. In terms of compliance with the Building Regulations requirements, an enhancement of between +5dB and +6dB has been achieved over

the required levels. This is better than the level previously predicted by the modelling.

The condition required a +10dB enhancement and although this hasn't been achieved, the improvement over the Building Regulations requirement is significant, and demonstrates that more than adequate sound insulation has been provided.

In this respect, there is no objection to the condition being discharged.

Analysis

Condition 3 of planning permission ref. 20240131 is as follows:

3. Prior to commencement of the development hereby permitted a full sound insulation test shall be submitted to and approved in writing by the Local Planning Authority which shall be undertaken for both airborne and impact sound and an appropriate mitigation specification (to achieve an enhancement of the minimum levels stated in the Building Regulations of 10dB). The development shall be carried out in accordance with the approved details prior to the House of Multiple Occupation first coming into use.

Reason: *In order to protect the amenity of future occupiers of the House of Multiple Occupation and to ensure any works required would protect the significance of this grade II listed building in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994).*

GBC Environmental Protection noted how the Noise Impact Assessment that had been submitted with the original planning application had just been submitted again. They advised that a sound insulation test needed to be carried out in order to fully assess the current quality and robustness of the floor/ceiling partition and provide a recommendation as to whether or not any improvements need to be made or not. There was communication which took place between GBC Environmental Protection and MRL Acoustics. Subsequently sound testing was carried out and a Sound Insulation Testing Report was then submitted. GBC Environmental Protection have assessed the report and advise that an appropriate sound insulation test has been carried out in line with the requirements of condition 3. They advise that the sound insulation levels of the floor/ceiling partitions of +5dB and +6dB enhancement is acceptable and that although it is not as much as the +10dB enhancement required in condition 3, it is significantly over the Building Regulations requirement and demonstrates that more than adequate sound insulation has been provided.

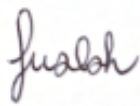
Conclusion

It is considered that sufficient information has now been submitted and that condition 3 of planning permission reference 20240131 can be discharged.

Recommendation:

Approval of details

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	13th October 2025	Dated:	14 October 2025