



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 FEBRUARY 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 7

Application Number	FUL/MAL/18/01470
Location	Hardy's Bar And Grill, 36 Imperial Avenue, Mayland
Proposal	Vary condition 3 and Removal of condition 4 of approved application FUL/MAL/11/00247 (Single storey rear extension and alterations to public house with conversion of first floor to 4 one bedroomed flats. Single storey block of 5 motel units and laundry room with associated parking and amenity space).
Applicant	Mrs Fay Collin
Agent	Mr Mike Otter - GPO Designs Ltd
Target Decision Date	05.02.2019
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In: Councillor M W Helm – Public Interest Councillor Mrs P A Channer – Public Interest Councillor Mrs B F Acevedo – Public Interest

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Highway Authority	There is still adequate space to manoeuvre within the site for the vehicles. Therefore, having considered the information submitted with the planning application, the Highway Authority has no objection to the proposal.	Noted

5 **MAIN CONSIDERATIONS**

5.6 **Living Conditions**

5.6.5 The following supporting information and comments have been received from Kieron Durrant from Sound Acoustics Limited regarding the acoustic report:

Comment Received	Environmental Health Response
<p>I have read the comments from Paul to yourself regarding the acoustic report at 36 Imperial Avenue Maylandsea.</p> <p>I was asked by Mrs Collins to provide a Building Regulations report on the floors as this was not done at the time of the development (we were informed at the time that the first floor was to be used by staff). The recent testing clearly shows that the construction is performing to a much higher level than is required between dwellings (around 10dB).</p> <p>Clearly Part E indicates that a higher level of sound insulation may be required depending on the commercial use (and testing to Part E is still mandatory where there is residential above commercial). I would agree in this case that a higher level would be required. However, it is understood that the occupants directly above the performance area are happy with the situation and do not want to have to move (it is understood that this has been put in writing to the council). On this basis it would appear that the sound insulation is at or around an acceptable level.</p> <p>For me to be able to advise whether the sound insulation is suitable I would need to know what you would consider to be an acceptable level of noise. The music system downstairs has a noise limiter so it should be possible to obtain the noise limit information and apply it to the sound insulation data to determine the likely level of noise upstairs without having to measure on an actual event night. Should the level exceed your requirements, the limiter could be reset.</p> <p>If you could let me know what you would consider to be an acceptable level of noise or any other comments you might have I can then advise the client of the best way forward and look at the timescales involved.</p>	<ol style="list-style-type: none">1. He agrees that a higher level of sound insulation would be required for commercial use than that specified in Part E2. We cannot permit the use for other occupants on the evidence that the current occupier has not complained for the reasons described in our previous comments dated 15th January3. With regard to a noise limiter as far as we are aware the licensed premises is not subject to this application4. In our comments we also mentioned other sources of noise which are separate to the licenced premises and outside of our control for the reasons described in our previous comments dated 15th January <p>Therefore our comments remain as in our consultation response of 1th January 2019.</p> <p>(Address within section 5.6 of the report)</p>