

Ref.: TC

24 July 2025

Emily Rule  
Canterbury City Council  
Military Road  
Canterbury  
CT1 1YW

By e-mail: [planning@canterbury.gov.uk](mailto:planning@canterbury.gov.uk)

**Application:** CA/25/01123

**Site:** 28 Arkley Road Herne Bay Kent CT6 5SL

**Proposal:** Removal of condition 5 (amplified music) of planning permission CA/24/00813/FUL for a change of use of building to musical theatre production space and related social use.

## **Remit:**

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

## **Comment:**

Thank you for consulting Theatres Trust on this application for removal of condition 5 of permission reference CA/24/00813/FUL.

## **Theatres Trust**

22 Charing Cross Road, London WC2H 0QL

**Telephone** 020 7836 8591 **Email** [info@theatrestrust.org.uk](mailto:info@theatrestrust.org.uk) **Website** [theatrestrust.org.uk](http://theatrestrust.org.uk)

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**Chair** Dave Moutrey OBE

**CEO** Joshua McTaggart

**Trustees** Vicky Browning OBE, Anna Collins, James Dacre, Liam Evans-Ford, Stephanie Hall, Annie Hampson OBE, Tracy Ann Oberman, Lucy Osborne, Saratha Rajeswaran, Truda Spruyt, Michèle Taylor MBE, Katie Town

The Theatres Trust is the national advisory public body for theatres. The Theatres Trust Charitable Fund supports the work of The Theatres Trust, has the same Trustees and is registered as a charity under number 274697

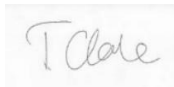
The intention of condition 5 was to “safeguard the amenities of nearby dwellings and prevent noise emanating from the site”. However, the actual condition was poorly worded to the extent that it was both ineffective in achieving its aim, and in practical terms prevented the permitted (and long-standing) uses of this facility from being carried out.

As such, we contend that condition 5 is contrary to the objectives of paragraph 57 of the NPPF (2024) because it is not reasonable, and is also against the guidance published by the Government within the ‘Use of planning conditions’ document (2014, updated 2019) because it is not ‘fair’, ‘reasonable’ or ‘practicable’. The main reason for this is that a blanket prohibition on amplified music and voices pays no regard to the actual volume of such activities (or whether they are audible at sensitive external receptors) and overlooks that unamplified music (for example, by an orchestra) can be significantly louder than amplified sounds.

The applicant has sought to work positively and responsibly and has put forward a proposed set of alternative wording which would enable their community, cultural and social offer to continue whilst continuing to protect the amenity of nearby residents.

The applicant has suggested a variation of condition, whereas the application has been recorded as a removal of condition. For the reasons outlined above, we support both options. There is a further existing condition (4) which helps safeguard amenity by limiting operating hours.

Please contact us if we may be of further assistance or should you wish to discuss this further.



Tom Clarke MRTPI

National Planning Adviser

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