



Delegated Report

Approval of Details Application

Application no: 20230870

Location: 7 Darnley Road Gravesend Kent DA11 0RU

Description: Application for the approval of condition 7, 8, 12 and 15 attached to planning permission 20150923 relating to commences a scheme showing how noise/vibration created by the ductwork serving the air purification system shall be adequately controlled within the maisonette, details of the ventilation extraction system for the restaurant, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions, details of the precise location and form of domestic and commercial refuse storage and details of a scheme or obligation to provide or contribute to mitigation measures to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) or Ramsar Site.

Applicant: Mrs Rasa Apostol

Site Visit Date: N/A

Planning permission was granted for 'Change of use of the basement and ground floor from offices to a restaurant (Use Class A3) incorporating the erection of a single storey rear extension with terrace over, enlargement of the basement and conversion of the first floor and loft space into 1no. self-contained maisonette with access via 4-6 Darnley Road.' on 15 June 2016 under reference number 20150923. This was subject to a number of conditions including nos. 7, 8, 12 and 15 which this application seeks to discharge.

Five applications to discharge the conditions attached to permission reference 20150923 have been submitted previously. These are:

Reference	Description	Decision	Decision Date
20220628	Application for approval of condition 6, 7, 8, 12 and 15 attached to planning permission reference number 20150923 relating to a detailed scheme for air quality mitigation (6), a scheme showing how noise/vibration created by the ductwork serving the air purification system (7), details of the ventilation extraction system for the restaurant (8), details of the precise location and form of domestic and commercial refuse storage (12) and details of a scheme or obligation to provide or contribute to mitigation measures to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) or	Refused	19.05.2023

	Ramsar Site (15).		
20200753	Application for the approval of conditions 7, 8, 12 and 15 attached to planning permission reference no. 20150923 relating to; a scheme for the control of noise/vibration within the maisonette from the air purification system ductwork, a ventilation extraction system for the restaurant, details of refuse storage area and contribution to mitigation measures to offset the potential impact on the integrity of the Thames Estuary And Marshes Ramsar area.	Refusal of details	26.03.2021
20200188	Application for the approval of conditions 7, 8, 12 and 15 attached to planning permission reference no. 20150923 a scheme for the control of noise/vibration within the maisonette from the air purification system ductwork, a ventilation extraction system for the restaurant, details of bin storage area and contribution to mitigation measures to offset the potential impact on the integrity of the Thames Estuary And Marshes Ramsar area.	Refusal of details	17.04.2020
20190539	Application for the approval of conditions 6, 7, 8, 12 and 15 attached to planning permission reference no. 20150923 relating to air quality mitigation scheme, a scheme for the control of noise/vibration within the maisonette from the air purification system ductwork, a ventilation extraction system for the restaurant, details of bin storage area and contribution to mitigation measures to offset the potential impact on the integrity of the Thames Estuary And Marshes Ramsar area.	Refusal of details	27.09.2019
20160951	Application for the approval of conditions 6, 7, 8, 12 and 15 attached to planning permission reference no. 20150923 relating to air quality mitigation scheme, a scheme for the control of noise/vibration within the maisonette from the air purification system ductwork, a ventilation extraction system for the restaurant, details of bin storage area and contribution to mitigation measures to offset the potential impact on the integrity of the Thames Estuary And Marshes Ramsar area.	Refusal of details	07.02.2019

Consultations

GBC Waste

Have reviewed the application and are happy with the refuse and recycling provision within the application.

It is prudent to note that GBC Environmental Protection were consulted on this application and although no formal comments have been received from them they gave full and detailed comments on previous application reference 20220628 and in regard to condition nos. 7 & 8 they advised that those two conditions could be discharged. The information submitted with this application is exactly the same as what was submitted in previous application ref. 20220628 for conditions 7 & 8. As such comments from GBC Environmental are not considered to be required again given that they have already looked at the information submitted and advised that conditions 7 & 8 could be discharged. The Delegated Report for application ref. 20220628 can be found in Appendix 1 for ease of reference for GBC Environmental Health's comments etc.

Analysis

In the most recent discharge of condition application reference 20220628 all of the information that was submitted in respect of condition numbers 7, 8, 12 and 15 was acceptable but it was not acceptable in regard to condition 6 and as split decisions cannot be issued the application had to be refused.

The applicant has now re-submitted the application and is applying to discharge only condition nos. 7, 8, 12 and 15 which were acceptable for discharge. The information submitted in regard to condition nos. 7, 8, 12 and 15 is exactly the same as what was submitted in previous application reference 20220628 and which was deemed acceptable.

Condition 7

Condition 7 is as follows:

7. *Before the development hereby permitted commences a scheme showing how noise/vibration created by the ductwork serving the air purification system shall be adequately controlled within the maisonette shall be submitted and approved in writing by the Local Planning Authority prior to commencement of any works on site. All approved works shall be carried out prior to first residential occupation of the maisonette.*

Reason *In order to protect the amenity of future occupiers of the maisonette and existing adjoining and nearby residential premises.*

The information which has been submitted for condition 7 is as follows:

- Noise Impact Assessment dated 16 March 2022 Issue 01 by DAA Group

In previous application reference 20220628 GBC Environmental Health were consulted and advised that this report demonstrates that the predicted acceptable noise levels will be achieved once the mitigation measures are implemented. These are that all plant and ductwork should be fitted with anti-vibration mounts in accordance with the manufacturer guidelines and the ductwork must be fitted with attenuators providing the minimum insertion losses provided.

The wording of condition 7 which states 'All approved works shall be carried out prior to first residential occupation of the maisonette' covers the fact that the mitigation measures as set out in the Noise Impact Assessment will need to be carried out.

As such it is considered sufficient information has been submitted to discharge condition 7 of application ref. 20150923.

Condition 8

Condition 8 is as follows:

8. *Before the development hereby permitted commences details of the ventilation extraction system for the restaurant, particularly regarding odour elimination abilities, residence time of the air within the filters and likely noise emissions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

Reason *In order to protect the amenity of future occupiers of the maisonette and existing adjoining and nearby residential premises.*

The information which has been submitted for condition 8 is as follows:

- Noise Impact Assessment dated 16 March 2022 Issue 01 by DAA Group;
- 7 Darnley Road Information & Specification;
- Drawing no. DR-2611-EFFP 3/11 Rev. V2 – Existing First Floor Plan;
- Drawing no. DR-2611-PFFP 4/11 Rev. V2 - Proposed First Floor Plan;
- Drawing no. DR-2611-ESFRP 5/11 Rev. V2 – Existing Second Floor & Roof Plan;
- Drawing no. DR-2611-ERE 8/11 Rev. V2 – Existing Rear Elevation;
- Drawing no. DR-2611-PRE 9/11 Rev. V2 - Proposed Rear Elevation;
- Drawing no. DR-2611-ELSE 10/11 Rev. V2 - Existing Left Side Elevation;
- Drawing no. DR-2611-ERSE 11/11 Rev. V2 - Existing Right-Side Elevation.

In previous application reference 20220628 GBC Environmental Health were consulted and advised that whilst the application had been submitted with details of an extraction system it was not entirely possible to

know if the submission reflects the actual system installed and whether suitable and sufficient odour mitigation had been installed appropriately. However, they advised that they had no objection to this condition being discharged.

As such it is considered that sufficient information has been submitted to discharge condition 8 of application ref. 20150923.

Condition 12

Condition 12 is as follows:

12. *Before the development hereby permitted commences details of the precise location and form of domestic and commercial refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

Reason *In the interests of amenity.*

The information which has been submitted for condition 12 is as follows:

- Drawing no. DR-2611-BP Sheet 1/1 Rev. V2 – Block Plan;
- Drawing no. DR-2611-EGFP Sheet 2/11 Rev. V2 – Existing Ground Floor Plan;
- Drawing no. DR-2611-ERE 8/11 Rev. V2 – Existing Rear Elevation;
- Drawing no. DR-2611-PRE Sheet 9/11 Rev. V2 – Proposed Rear Elevation;
- Drawing no. DR-2611-ELSE Sheet 10/11 Rev. V2 – Existing Left Side Elevation; and
- Drawing no. DR-2611-ERSE Sheet 11/11 Rev. V2 – Existing Right Side Elevation.

These drawings show the refuse area would be to the rear of the building where it would be a bin area enclosed with a lockable fence. There would be a commercial waste bin and then an 180ltr refuse bin, 240ltr recycle bin and a 23ltr food caddy for the residential maisonette above which are separated from the commercial waste bin. The refuse storage is considered acceptable in terms of its location, appearance and provision and GBC Waste confirm this also.

As such it is considered sufficient information has been submitted with regards condition 12 of application ref. 20150923.

Condition 15

Condition 15 is as follows:

15. *No development shall be commenced until details of a scheme or obligation to provide or contribute to mitigation measures to offset the potential impact of the recreational needs arising from the approved development on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) or Ramsar Site has been submitted to and approved, in writing, by the Local Planning Authority. The submitted scheme/obligation shall include a timetable for the measure(s) to be implemented, and the development shall accord fully with the approved details.*

Reason *In order to ensure no net loss of biodiversity in the Borough, in accordance with adopted Local Plan Core Strategy Policy CS12 which affords the highest level of protection to internationally designated Special Protection Areas and Ramsar sites.*

The applicant has submitted the Strategic Access Management & Monitoring Strategy (SAMMS) Contribution Agreement and the appropriate 'top up' fee of £38.17 on top of the £275.88 previously paid to make the current tariff of £314.05.

As such it is considered sufficient information has been submitted to discharge condition 15.

Conclusion

Sufficient information has been submitted in respect of condition nos. 7, 8, 12 & 15 attached to planning permission ref. 20150923 and as such they can be discharged.

Recommendation:

Approval of details

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	9th October 2023	Dated:	9th October 2023