

Delegated Report

Planning Application

Application no: 20220628

Location: 7 Darnley Road Gravesend Kent DA11 0RU

Description: 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 Ramsar Site (15).

Applicant: 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. 6, 7, 8, 12 and 15 which this application seeks to discharge.

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

Reference	Description	Decision	Decision Date
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	Refusal of details	17.04.2020

	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.		
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

Each time insufficient information has been submitted to discharge the conditions. With the last application ref. 20200753 which was for the discharge of condition nos. 7, 8, 12 and 15 the grounds of refusal were:

The application to discharge condition numbers 7, 8, 12 and 15 of 20150923 has been accompanied by insufficient information to enable an accurate assessment of how noise/vibration created by the ductwork serving the air quality mitigation system for the maisonette shall be adequately controlled within it (Condition 7) and how the likely noise emissions of the ventilation extraction system for the restaurant would be adequately mitigated (Condition 8). As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2019).

It therefore needs to be seen in this current application whether sufficient information has now been submitted to discharge condition nos. 6, 7, 8, 12 and 15.

Consultations

GBC Environmental Protection – 16/05/2023 (Latest comment first)

There were only 4 outstanding points on the checklist which were provided in my previous comments of 20/02/23 – points 4, 14, 15 and 20 - see email attached “RE: 20220628 - 7 Darnley Road”. Disappointingly only one of the 4 points has been satisfied in the latest submission.

I can confirm that I have received the pdf document titled “A438 Ventilation Calculations” in the email you forwarded to me “ RE: 20220628 - 7 Darnley Road, Gravesend, Kent, DA11 0RU” on 04/04/23.

The outstanding matters from last time were as listed below. I have commented after each (in green) as to the current status:

- 1) Point 4 - Details of the installer
Now provided in email dated 17/03/23 to Rebecca Harrison from Serhan Senyurek “RE: 20220628 - 7 Darnley Road, Gravesend, Kent, DA11 0RU”
- 2) **Points 14 and 15** which are the supply and extract flow rates as the info they have given is difficult to understand but it appears as though the extract air flow is higher than the inlet which is not acceptable. They therefore need to resubmit the info in a clear table confirming that **the supply air is greater than the extract air flow in order to create the positive pressure etc.**

The latest pdf submission provided in the email of 17/03/23 is a much clearer table. However, the flow rates appear to be as follows:

*Supply total on trickle 24 L/s
Extract total on trickle 25 L/s*

*Supply total on boost 29 L/s
Extract total on boost 29 L/s*

It appears from the table that the extract rate is slightly higher on trickle and the flow rates are equal on boost.

The developer has been repeatedly advised that the supply air must be greater than the extract flow rate so as to create a pressure to keep pollution from the traffic in the street out of the building. Having an extract flow rate equal or higher than the supply rate will likely draw polluted air into the building from outside which is exactly what we are trying to prevent. The requirement for a pressurised air quality mitigation scheme has been understood and achieved, to my knowledge, in all other developments.

3) **Point 20** – details of the maintenance regime.

Nothing provided – this is to ensure that the system and its filters are cleaned and maintained after occupation. This is not an onerous requirement either for the confirmation/details of the maintenance regime or the cost once installed. However the lack of commitment to this is of significant concern.

Still outstanding therefore are points 14, 15 and 20.

GBC Environmental Protection – 17/02/2023

These comments relate to Condition 6 - detailed scheme for air quality mitigation and the documentation that was submitted for comment in response to our previous comments on 05 October 2022. The documents submitted are as follows:

- Air Quality mitigation report PDF by Kench Consultants dated 14/04/22 (now in landscape layout two pages to a page. The page numbering is therefore different to the previous layout.)
- Air Quality Table - Enhanced PDF (Previously submitted)
- Air Quality Scheme Checklist
- MVHR Ventilation layout
- Ventilation Calculations

Condition 6 - Air Quality Mitigation

The three documents that provide additional information as the Air Quality Mitigation Scheme Checklist, the Ventilation Calculations and the MVHR Ventilation layout drawing. Between them these cover some of the outstanding details that have so far been omitted from the scheme.

In order to ascertain what information has now been submitted this service has updated the checklist in an additional comments column and has made the following comments accordingly.

There are 25 requirements for information in the Air Quality Mitigation Checklist so that this service can ascertain if the scheme is suitably designed. The following comments relate to the points in the checklist that remain outstanding or need clarifying having had regard to this latest submission. **This information must still be provided:**

Point 4 – provide full details of installer including competency and experience of install such systems

- These details need to be provided - it is not sufficient to say that this will be done by a certified professional and or company.

Points 14 and 15 - Details of settings for flow rate for inlet air and outlet air.

It is essential that the system provided creates positive pressure to assist in the prevention of polluted air entering the residential unit ie with the inlet air sufficiently more than the outlet air is required. The flow rates included in the scheme will be used when the system is commissioned.

- Details of flow rates have now been provided in the document "Ventilation calculations". However the information provided is difficult to understand and it appears that the extract flow rate is higher than the supply rate which would create a negative pressure. The rates provided in the document appear to be as follows:

SUPPLY

Kitchen 17 l/s

Bedroom 7 l/s

Total supply 24 l/s

EXTRACT

Kitchen 10.75862 l/s

Shower room 6.62069 l/s

Bathroom 8 l/s

Total extract rate 25.37931 l/s

The flow rates must be re-submitted in a clear table showing that the supply air MUST be at a greater flow rate than the extract air.

Point 20 - Details of maintenance regime including filter cleans and servicing, who by and what periods.

The applicant must provide details of how the system is to be maintained as per the manufacturer's guidelines on filter cleaning and servicing of the unit. The Air Mitigation Report includes the details of the manufacturer's information as follows: "Routine maintenance, apart from filter changes, must only be carried out by a suitably qualified and competent person." This must be adhered to.

- Details of the maintenance regime therefore needs to be provided so that the system is kept in good working order and fulfils the purpose for which it is intended. This must include checks to ensure that the filters are cleaned at the correct interval otherwise it will affect the indoor air quality.

The above information must be provided before this service can comment further as to whether suitable information has been provided in order to approve the scheme.

GBC Environmental Protection – 06/10/2022

These comments relate to the following conditions only:

- Condition 6 - detailed scheme for air quality mitigation
- Condition 7 - a scheme showing how noise/vibration created by the ductwork serving the air purification system
- Condition 8 – details of the ventilation extraction system for the restaurant

Condition 6 - Air Quality Mitigation

The report "7 Darnley Road – Air Mitigation Report by Kench Consultants dated 14/04/22 has been submitted along with a completed Air Quality Scheme Checklist the latter being a template provided to the applicant to ensure sufficient information is provided to the LPA in order to discharge this type of condition. The Report also includes part of the checklist however the comments are missing so reference should be made to the additional Air Quality Checklist to view these.

It should be noted that many of the technical drawings that we would expect to see submitted separately as A3 type drawings have been pasted into the Air Mitigation Report instead – making them very small and difficult to read the details on even when zooming in.

It was also noted that pages 13 and 14 of the pdf Air Mitigation Report were blank in the copy seen by this service. Enquiries have been made to Planning Services to check whether this was the case in their copy. If

this is not available through Planning it is requested that the applicant provide a copy of these two individual pages to us for us to see the information which is relevant to one of the points that has not been satisfied as yet. All of the other pages can be seen.

The information in the checklist "Air Quality Table" submitted as part of the application has been inserted into our checklist format, and a column inserted for comments from this service relevant to each point and has been provided to Planning Services. The comments are also included in these comments.

The original 25 points of the checklist relating to type of system, location of ducting etc were checked. An additional point included in later checklists "Details of how odour from adjacent food premises will be prevented from being drawn into the air system" was added as it is relevant to this development of a residential unit about a new restaurant. The odour mitigation paragraph was then referenced in our comments.

Details of and or confirmation were provided by the applicant/agent for most points in the checklist with the exception of the following which need to be followed up. The omission of the information is not immediate grounds for refusal of the application to discharge condition 6 and the applicant is encouraged to provide the information asked for in the checklist as a matter of urgency in order that air quality mitigation MVHR scheme can be approved this time round. Information needs to be provided, identified in the following bullet pointed text, in order to answer the following matters:

Point 3 – provide full details of supplier including contact details.

- The details of the supplied need to be provided - it is not sufficient to provide the name of the manufacturer.

Point 4 – provide full details of installer including competency and experience of install such systems

- These details need to be provided - it is not sufficient to say that this will be done by a certified professional and or company.

Point 7 - Written description and details of locations of units and ductwork

Figure 4 – Proposed MVHR system is included as a small drawing within the Air Mitigation Report and ideally should additionally be provided as a separate drawing in A3 size so that the detail can be easily read. The figures on page 12 are very small with the text in Figure 6 being upside down which means it is not easily read even when zoomed in.

The following needs to be provided:

- Clarification of the location of the MVHR unit within the apartment needs to be provided. This unit has the display panel as to the flow etc and also the filters to be cleaned etc. It therefore needs to be accessed by the occupant.

Point 8 – written details of the locations of the inlets and outlets

- Clarification of the location of the inlet and outlets to the air system need to be provided, it is not understood where these are,
 - Are they on the roof? If so where and are they louvres,
 - how is water prevented from entering the system?
 - How far apart are they from each other and from the extraction outlet?

Point 9 - Layout and elevation plans submitted including ducting, inlets and vents etc. Plan numbers.

Very small drawings have been included in the Air Mitigation Reports e.g. on page 12 of the report that cannot be read even when zoomed in. It is not possible to gather any useful information from these drawings therefore although they have been provided, they are not in a format that can be used.

- These drawings need to be provided separately in a format that can be zoomed in on if needed and must clearly show the location of the inlet and outlet etc.
- An additional roof scape drawing would assist in ascertaining the location of the inlet and outlet etc.

Points 14 and 15 - Details of settings for flow rate for inlet air and outlet air.

It is insufficient to simply state in the Air Mitigation Report that the flow rates will be set and balanced. The provision of a positive pressure system ie with the inlet air sufficiently more than the outlet air is required.

The flow rates included in the scheme will be used when the system is commissioned. This is not to our knowledge included in Part F Building Regulations as is intimated in the report.

- The flow rates need to be submitted to demonstrate the system will provide a positive pressure. The calculations will include a set percentage as to how much greater the inlet flow rate is compared to the outlet flow.

Point 16 - Details of boost settings for when cooking smells or steam present

The report says that the MVHR system will have a programmed relative humidity percentage rate set between 65 and 90% to trigger the boost on the system to remove vapour.

- Confirmation needs to be provided as to what the increased flow rates will be and that they will still ensure that the inlet air is greater than the outlet air to a specific percentage etc. These will be used by the commissioning engineer.

Point 20 - Details of maintenance regime including filter cleans and servicing, who by and what periods.

There will be a set of manufacturer's guidelines on filter cleaning and servicing of the unit. The Air Mitigation Report includes the details of the manufacturer's information on page 44 of the PDF file as follows: "Routine maintenance, apart from filter changes, must only be carried out by a suitably qualified and competent person." This must be adhered to.

- Details of the maintenance regime therefore needs to be provided so that the system is kept in good working order and fulfils the purpose for which it is intended. This must include checks to ensure that the filters are cleaned at the correct interval otherwise it will affect the indoor air quality.

Point 24 - Independent ventilation engineer to carry out commissioning inspection of systems to confirm that inlet and outlet settings are correct

- The flow rates must be provided as per the comments for the points 14 to 16 above so that the commissioning engineer can reference them in order to set the system up.

It is requested that the above information is provided as a matter of urgency so that this service can comment further as to whether suitable information has been provided in order to approve the scheme.

Condition 7 - A scheme showing how noise/vibration created by the ductwork serving the air purification system

The Noise Impact Assessment dated 16 March 2022 Issue 01 by DAA Group has been submitted as part of the application. The assessment is relevant to conditions 7 relating to the air quality mitigation scheme and also condition 8 below relating to the kitchen extraction system.

The site description – para 3.1 on page 8 refers to the site being "located on the northern side of Goldhawk Road close to the junction with Lime Grove." **This is not the location of this site.** However the site plan and aerial photograph shows the correct site.

Air Quality Mitigation Scheme - MVHR

This report includes very small drawings of the air quality mitigation system as does the report on the extraction system design. These drawings are too small to read any useful information from them.

Para 5.5 states that both the supply and exhaust ducts to atmosphere must be fitted with attenuators. It goes on to provide the minimum insertion losses in table 3.3 "Attenuator insertion loss" (page 15) Para 5.6 of the assessment states that the predicted acceptable noise levels will be achieved once the mitigation measures are implemented.

This service therefore asks that measures are put in place to ensure the implementation of these mitigation measures relating to the Air Quality Mitigation Scheme (MVHR).

Kitchen Extraction

The system had already been installed at the time of the drafting of the noise impact assessment. This affords the opportunity to measure actual noise impact of the system rather than predict it if it was to be installed in the future. However, although the report confirms the system is already in place i.e. paragraph 6.1, which includes photographs of the system

The photographs, including the aerial photograph, show a very complicated system with many elements and many bends. The latter causing the system to be less efficient. The design of it does raise concerns as to the competence of the original designer and installer. The system plant is located on the flat roof of the restaurant kitchen and the ducting then goes across the roof and up the rear of the apartment and over the roof to the ridge of the rooms of the apartment in the loft. Creating a significant risk of disturbance from the extraction system.

The report states in para 7.0 that on attending site the system was audible whilst in operation with the excess noise most likely from breakout noise from the fan located on the flat roof. However it also states that it is hard to assess whether there is excess noise from the flue outlet.

The report states that mitigation measures are required to be implemented in order to ensure that the development will not prejudice the amenities of any future occupants as follows:

Noise mitigation

The report states in para 8.1 that in order to reduce the noise from the system the following work must be carried out:

- To reduce break out noise on the fan inlet an additional attenuator is required to be fitted on the discharge side of the fan, similar to an Acoustica CP03-C*-0500-2D with insertion losses provided in that para
- The attenuator's acoustic media shall have to be lined with "Meline" to enable the kitchen extract to be regularly steam cleaned
- The plant will need to be enclosed in an acoustic enclosure with an insertion of 20dB.

Vibration Mitigation

Para 8.0.2 states that the duct should be:

- Isolated from the structure of the building using anti-vibration pads.
- The isolators shall incorporate rubber or neoprene high-frequency isolation pads
- The fan should be installed with flexible connections to adjacent structures

The para goes on to give examples of the pads and mounts, stating that they are industry standard and are easily sourced. The omission of these thus again casting doubt as to the competency of the original designer and installer.

Section 9 of the report summarises that a baseline noise survey has been undertaken and that appropriate mitigation measures have been outlined for the MVHR ventilation system and the kitchen extraction system in order to comply with the required criteria. It goes on to say that the above mitigation measures need to be implemented in order to ensure that the development will not prejudice the amenities of any future occupants.

This service therefore requires that the mitigation measures included in this report, for both noise and vibration, shall be implemented in order to ensure that the development will not prejudice the amenities of any future occupants. As the report was drafted some 7 months ago, and the design of the kitchen extract should have been submitted for approval before it was installed, it is expected that this work has been carried out already so as to ensure compliance with the required criteria as stated in the Noise Impact Assessment. Evidence of the mitigation measures having been implemented needs to be provided to the LPA. No evidence is noted as being included in the submission for this application.

The additional mitigation measure to prevent disturbances of the locality is the ongoing limit to operating hours in the evening to 10pm. It is requested that this is not permitted to be later at any time in the future.

The applicant should note that any approval or implementation of the required mitigation measures does not preclude future nuisance action against the owner of the premises should either system create a substantiated noise, vibration or odour nuisance to the occupant of the apartment or occupants of neighbouring properties.

Condition 8 -Kitchen Extraction System

A document entitled "7 Darnley Road Information & Specification" was submitted providing details of the extraction system including noise attenuation. Although the document is not dated itself the contents of the document e.g. the specific Extract Flow Rate Calculations are all dated as created in September 2016.

Also submitted relevant to this condition were drawings:

- DR-2611-PFFP 4/11 Proposed First Floor Plan dated 26/11/21
- DR-2611-PRE 9/11 Proposed Rear Elevation dated 26/11/21
- DR-2611-ELSE 10/11 Existing Left Side Elevation dated 26/11/21
- DR-2611-ERSE 11/11 Existing Right-Side Elevation dated 26/11/21

No schematic drawings have been provided of the system that would indicate what individual elements have been included to make up the entire extraction system including the mitigation measures for odour and noise. No indication has been included as to why no schematics have been provided.

Therefore whilst the application has been submitted with details of an extraction system it is not entirely possible to know if the submission reflects the actual system installed and whether suitable and sufficient odour mitigation has been installed appropriately. However this service has no objection to this condition being discharged.

The applicant should note that any approval or implementation of the required mitigation measures does not preclude future nuisance action against the owner of the premises should either system create a substantiated odour nuisance to the occupant of the apartment or occupants of neighbouring properties.

GBC Waste & Recycling

No objections.

Analysis

Condition 6

Condition 6 is as follows:

6. *Prior to the commencement of the development hereby permitted a detailed scheme for air quality mitigation, shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme must include a positive pressure air system, heat recovery, sealed windows on the front elevation and fresh intake air coming from a suitable clean source at the rear of the building and sited so that it would not be contaminated by odour from the extraction system for the restaurant use at the ground and basement levels of the building or any other pollution source e.g. gas flue etc. The approved scheme shall be installed to the satisfaction of the Local Planning Authority prior to the first occupation of the maisonette hereby permitted. Thereafter, also prior to first occupation, the Local Planning Authority shall be provided with a written commissioning report from a competent ventilation engineer that the approved system has been incorporated into the maisonette and that it fulfils its purpose (i.e. that it prevents pollution from the roadside entering the maisonette) and shall also be inspected by the Local Planning Authority to ascertain that the system in place is in suitable working order. The system shall be maintained as approved and in full working order at all times.*

Reason *In order to protect the amenity of future occupants of the maisonette at first and second floor level as the majority of the site is within a declared Air Quality Management Area (AQMA) for Nitrogen dioxide and the site itself suffers from high levels of Nitrogen dioxide from road traffic.*

The information which has been submitted for condition 6 is as follows:

- Air Quality mitigation Report by Kench Consultants dated 14/04/22
- Air Quality Table
- Air Quality Scheme Checklist
- MVHR Ventilation layout
- E-mail from agent dated 17 March with details of installer;
- Ventilation Calculations

Superseded

- ~~“7 Darnley Road – Air Mitigation Report by Kench Consultants Rev. P1 dated 14/04/22;~~
- ~~Air Quality Table~~

●—Ventilation Calculations

The information originally submitted with the application in respect of condition 6 was considered unacceptable by GBC Environmental Protection. They advised that out of the 25 points in the Air Quality Mitigation Checklist (which is used to help developers ensure they submit everything that is required in respect of air quality mitigation systems) there were 10 points where insufficient information had been submitted and clarification or additional/revised information was required. These were:

- Point 3 – Provide full details of supplier including contact details;
- Point 4 – Provide full details of installer including competency and experience of install such systems;
- Point 7 - Written description and details of locations of units and ductwork;
- Point 8 – Written details of the locations of the inlets and outlets;
- Point 9 - Layout and elevation plans submitted including ducting, inlets and vents etc. Plan numbers;
- Points 14 and 15 - Details of settings for flow rate for inlet air and outlet air;
- Point 16 - Details of boost settings for when cooking smells or steam present;
- Point 20 - Details of maintenance regime including filter cleans and servicing, who by and what periods; and
- Point 24 - Independent ventilation engineer to carry out commissioning inspection of systems to confirm that inlet and outlet settings are correct.

GBC Environmental Protection advised that the applicant should be asked for the additional information. The case officer went back to the agent to advise of the issues, additional information was submitted on 13 January 2023 and GBC Environmental Protection were consulted. They advised that out of the 10 outstanding points in the checklist six of these had been addressed but there were still four outstanding. These were:

- Point 4 - Details of the installer;
- Points 14 and 15 - Details of settings for flow rate for inlet air and outlet air. GBC Environmental Protection advised the information given was difficult to understand but it appeared as though the extract air flow is higher than the inlet which is not acceptable. They advised that the applicant therefore needs to resubmit the information in a clear table confirming that the supply air is greater than the extract air flow in order to create the positive pressure etc; and
- Point 20 – Details of the maintenance regime.

The case officer went back to the agent to ask for the four outstanding points to be resolved and on 17 March 2023 further information was received. GBC Environmental Protection were consulted and they advise that out of the four outstanding points only 1 point has been resolved (point 4) and the other three are still outstanding as follows: These are:

- Points 14 and 15 - Details of settings for flow rate for inlet air and outlet air

GBC Environmental Protection advise that the latest information provided in the email of 17/03/23 is a much clearer table. However, the flow rates appear to be as follows:

Supply total on trickle 24 L/s
Extract total on trickle 25 L/s

Supply total on boost 29 L/s
Extract total on boost 29 L/s

They advise that it appears from the table that the extract rate is slightly higher on trickle and the flow rates are equal on boost.

They advise that applicant has been repeatedly advised that the supply air must be greater than the extract flow rate so as to create a pressure to keep pollution from the traffic in the street out of the building. Having

an extract flow rate equal or higher than the supply rate will likely draw polluted air into the building from outside which is exactly what is trying to be prevented. They advise that the requirement for a pressurised air quality mitigation scheme, has been understood and achieved, to their knowledge, in all other developments.

- Point 20 – Details of the maintenance regime

No information provided – GBC Environmental Protection advise these details are required to ensure that the system and its filters are cleaned and maintained after occupation and that it is not an onerous requirement either for the confirmation/details of the maintenance regime or the cost once installed. They advise the lack of commitment to this is of significant concern.

It is considered that given that as insufficient information has still been submitted in relation to condition 6 (Air Quality) condition 6 cannot be discharged. The case officer has gone back to the agent three times within this application in order to try to obtain the correct information to discharge condition 6 from them but this has been to no avail as there are still 3 points which are still outstanding. Furthermore, it is prudent to note that this is the third application where condition 6 has been applied to be discharged (the previous two applications being refs. 20160951 and 20190539). Given the amount of opportunity and advice that the applicant has received throughout not only this current application but also the two previous applications and that insufficient information has still been submitted in pursuance to condition 6, it is considered that a line has to now be drawn and a determination will need to be made.

As such, it is considered that as insufficient information has still been submitted in pursuance of condition 6 this condition cannot be discharged.

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

GBC Environmental Protection 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. Therefore, it is considered sufficient information has been submitted to discharge condition 7. The wording of condition 7 '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;
- DR-2611-PFFP 4/11 Proposed First Floor Plan dated 26/11/21
- DR-2611-PRE 9/11 Proposed Rear Elevation dated 26/11/21
- DR-2611-ELSE 10/11 Existing Left Side Elevation dated 26/11/21
- DR-2611-ERSE 11/11 Existing Right-Side Elevation dated 26/11/21

GBC Environmental Protection were consulted on this information and advised that whilst the application has 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 has 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-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.

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 on what had already been paid in relation to previous application ref. 20200753.

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. However, insufficient information has been submitted in respect of condition 6 (Air Quality). The case officer has gone back to the agent three times in the course of this application in order to try to obtain the information needed to discharge condition 6 but even on the third set of information submitted by the agent it is still not sufficient to discharge condition 6. There have also been two previous applications where the applicant has applied to discharge condition 6 and provided insufficient information in those applications also. Despite the amount of times the applicant has tried to discharge condition 6 and the advice and guidance that has been provided across all three applications where condition 6 has been applied for discharge, it remains the case that within this current application insufficient information has still be submitted in pursuance to condition 6. An informative was added to the last application ref. 20200753 that the applicant was strongly advised to submit a Pre-Application Enquiry with Gravesham Borough Council in order to seek advice on the discharge of the planning conditions attached to planning permission reference number 20150923 but a Pre-Application Enquiry was not submitted by the applicant.

In summary, although sufficient information has been submitted in respect of condition nos. 7, 8, 12 & 15, sufficient information has not been submitted in respect of condition 6. Given that split decisions cannot be issued, it is therefore recommended this application be refused.

Recommendation:

Refusal

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	18 May 2023	Dated:	19 May 2023