



Delegated Report

Discharge of Planning Conditions

Planning Application No: 20251127

Location: 12 - 14 High Street Gravesend Kent

Description: Application for the approval of condition 2 (Refuse and Storage Collection), condition 3 (Odour Mitigation) and condition 4 (Noise Mitigation) attached to planning reference number 20190250 and appeal decision APP/K2230/W/22/3297812 dated 02 December 2022.

Applicant: Mr Vincenzo Santomauro

Submitted Documents/Plans

Application Form;
Drawing No.3358:10
Acoustic Assessment – Prepared by Able Acoustics – Dated July 2025
Acoustic Assessment – Prepared by Able Acoustics – Dated October 2023
Noise Assessment – Prepared by In Acoustic – Dated 24th February 2023
Odour Assessment – Prepared by In Acoustic – Dated 1st March 2023

Relevant Planning History

Reference	Description	Decision	Decision Date
20190250	Retrospective application for the change of use from A1 (retail) to A3 (restaurant) including the installation of a new shopfront.	Application Refused (granted at appeal)	26.11.2021

Consultee comments

Environmental Protection

Further to previous (refused) discharge of conditions applications, a further Acoustic Assessment dated July 2025 by Able Acoustics has been submitted. This provides an evaluation of the noise from the extract system following some additional noise mitigation measures installed on site. These include replacement of the previous fan jacket with 2 fan jackets and an additional silencer/attenuator. Further on-site noise measurements were taken to assess the performance of these addition al noise mitigation measures and a BS4142 calculation undertaken.

Based on this, the noise levels are just above the background noise levels. Although our usual requirement is for noise levels to be 10dB below existing background levels, this has not been specified in the Appeal condition. Based on the operating hours with the latest opening hour being 23:00, this level is considered to be acceptable. In addition, the restaurant has been open for some considerable time now and there have not been any complaints about noise from the extract system or other external plant. Therefore, the part of condition 3 relating to noise has now been satisfactorily addressed.

It was agreed previously that the information submitted in relation to odour control was also satisfactory.

Therefore condition 3 can now be fully discharged. It was also previously agreed that condition 4 could be discharged

GBC Waste and Recycling

12th November 2025

I have reviewed this planning application and am happy with the location of the refuse collection bins, however there does not appear to be provision for food waste collections. From 31 March 2025, it has been a legal requirement for businesses to provide separate storage for the residual, dry recycling and food waste from a business. As this application relates to a commercial premises, then it is the businesses duty to source a licenced waste carrier to remove their waste.

21st January 2026

I have reviewed the plans. Where they want to store the bins does seems to be logical and the only place. As the application relates to a business, then it is down to them to arrange for a third party contractor to collect the waste on the required frequency. The only comment I would make is that contractors might not like the drag distance for the bins from the storage place but that is a discussion they will have to have with providers. They will need to take account of the access times for the High Street when arranging for a contractor.

Officer Analysis

This application seeks approval of details submitted to condition 2 (Refuse and Storage Collection), condition 3 (Odour Mitigation) and condition 4 (Noise Mitigation) attached to planning reference number 20190250. The wording of the conditions read as follows:

Condition 2 (Refuse and Storage Collection)

Unless within three months of the date of this decision a scheme for the refuse storage and collection arrangements ensuring adequate provision for non-recyclable waste, food waste and recyclable waste, is submitted in writing to the local planning authority for approval, the use of the site shall cease and all equipment and materials bought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material bought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained and remain in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

The following information has been submitted to discharge Condition 2:

- Application Form; and
- Drawing No.3358:10.

The applicant has submitted a refuse storage plan which shows the sizes and location of the proposed food waste, recycling and refuse bins. The bins would be stored within an open courtyard area to the rear of the site, to be collected by a private waste management contractor. The Councils Waste and

Recycling Officer has reviewed the submitted plan and considers the proposal to be acceptable. It is therefore considered that the details are acceptable and the condition can be discharged.

Condition 3 (Odour Mitigation)

Unless within three months of the date of this decision a scheme for a extract ventilation system and odour control equipment particularly regarding odour elimination abilities and likely noise emissions, is submitted in writing to the local planning authority for approval, the use of the site shall cease and all equipment and materials bought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material bought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter remain in use and maintained in accordance with the manufacturer's instructions.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

The following information has been submitted to discharge Condition 3:

- Application Form;
- Noise Assessment – Prepared by In Acoustic – Dated 24th February 2023; and
- Odour Assessment – Prepared by In Acoustic – Dated 1st March 2023.

The applicant has submitted an Odour Assessment Prepared by In Acoustic, the assessment was previously submitted for approval under application 20230199. The Councils Environmental Protection Officer has reviewed this and has confirmed that the details are acceptable. It is therefore considered that the details can be approved.

Condition 4 (Noise Mitigation)

Unless within three months of the date of this decision a sound insulation assessment demonstrating the construction that separates the residential and commercial unit resists the transmission of airborne sound, is submitted in writing to the local planning authority for approval, the use of the site shall cease and all equipment and materials bought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

In the event that it does not resist the transmission of airborne sound then the report shall provide suitable details of the substantially enhanced sound insulation performance of/sound reduction achieved by relevant floors/ceilings. If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease and all equipment and material bought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limited specified in this condition will be suspended until that legal challenge has been finally determined.

The following information has been submitted to discharge Condition 4:

- Application Form; and
- Acoustic Assessment – Prepared by Able Acoustics – Dated October 2023; and
- Acoustic Assessment – Prepared by Able Acoustics – Dated July 2025.

The applicant has submitted an Acoustic Assessment dated July 2025 by Able Acoustic which provides an evaluation of the noise from the extract system. The assessment shows that noise levels are just above the background noise levels.

This has been reviewed by the Councils Environmental Protection Officers who state that whilst the usual requirement is for noise levels to be 10dB below existing background levels, this has not been specified in the original condition. Furthermore, with the latest opening hour being 23:00, this level is considered to be acceptable. In addition, the restaurant is already open, and the extraction equipment is in use, in this time officers note that there have not been any complaints about noise from the extract system or other external plant. As such, it is considered that the details are acceptable and this condition can be discharged.

Recommendation:

Approval of details

See draft Decision

Case Officer:	Adeoye Lawal	Team Leader:	Richard Hart
Signed:	<i>Ade Lawal</i>	Signed:	<i>R Hart</i>
Dated:	23 rd January 2026	Dated:	28 th January 2026