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Discharge Of Conditions

7 Darnley Rd. Gravesend DA11 0RU

Dear Sir/Madam,

Se & Se Consultancy has been instructed by Mr. Stefan Apostol to submit an application to discharge of conditions.

Planning History

Ref. No: 20160951 | Status: Refusal of details

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.

Reason for refusal: The application to discharge condition, 6, 7, 8, 12 and 15 of 20150923 has been accompanied by insufficient information to enable an accurate assessment of the proposed air quality mitigation (Condition 6) and precise location and form of domestic and commercial refuse storage (condition 12). As such the proposal is contrary to Policies CS19 of the Gravesham Local Plan Core Strategy (September 2014), and Section 12 of the National Planning Policy Framework (2018).

Ref. No: 20190539 | Status: Refusal of details

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.

Reason for refusal: The application to discharge condition, 6, 7, 8, 12 and 15 of 20150923 has been accompanied by insufficient information to enable an accurate assessment of the proposed air quality mitigation (Condition 6) and precise location and form of domestic and commercial refuse storage (condition 12) and payment has not been received to offset the impact on the RAMSAR site (Condition 15). As such the proposal is contrary to Policies CS12

and CS19 of the Gravesham Local Plan Core Strategy (September 2014), and Section 12 of the National Planning Policy Framework (2019).

Ref. No: 20200188 | Status: Application Refused

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.

Reasons for refusal: The scheme showing how noise/vibration created by the ductwork serving the air purification system pursuant to condition 7 and the scheme for the ventilation extraction system for the restaurant pursuant to condition 8 were submitted for the previous approval of conditions application reference 20190539 but, they have not been submitted with this application and so insufficient information has been submitted to discharge conditions 7 and 8. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Ref. No: 20200753 | Status: Refusal of details

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.

Reasons for refusal: 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).

Planning Conditions & Updates

1	The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.	No discharge is needed
2	The development hereby permitted shall be carried out in precise accordance with the following submitted plans and particulars or pursuant to any condition hereinafter contained and there shall be no deviation therefrom without the prior permission in writing of the Local Planning Authority:-	No discharge is needed

3	All external facing materials used in the single storey rear extension hereby permitted shall match those of the existing building	No discharge is needed
4	The basement and ground floor of the premises shall be used for purposes within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) only and for no other purpose without the prior requisite permission of the Local Planning Authority.	No discharge is needed
5	No take away service shall operate from the site at any time without the prior requisite permission of the Local Planning Authority	No discharge is needed
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	06/02/2017 Comments by Deborah Wilders 2016/0951 <i>In order for the LPA to consider the information submitted it needs to be understood what scheme is the proposed one, which heat recovery unit is to be installed, where, by whom, etc. as stated in the checklist. A commitment must be received as to whether the approved system will be installed prior to occupation etc</i> <i>The applicant must therefore clarify what unit is being used and submit the information required in the checklist for the scheme they wish to install. The checklist information needs to be submitted in full, and must be provided point by point with the relevant supporting documents attached. It may be sensible for the applicant to provide the checklist to the ventilation engineer for them to confirm that the scheme will include the thing required and to provide answers to the technical questions, however they must be answered in a way so that those people who are not ventilation engineers can understand it.</i> 2022 Update: • Kench Consultants Ltd

	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.	Air Mitigation Report 14/04/2022 & Air Quality Table (Enhanced) • Servicevent MVHR Ventilation Layout • Extraction system and report and specifications • The approved system will be installed prior to occupation and the applicant will take responsibility for the servicing, electricity supply etc. • Drawing package by SE&SE Consultancy Ltd.
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	Delegated report (2020/0753) mentions: <i>The manufacturer's details, drawings and tables of data etc. which have been submitted have already been confirmed by Regulatory Services in previous approval of conditions applications 20160951 and 20190539 to be insufficient to discharge condition 7.</i> <i>The noise assessment submitted dates from February 2016 (which pre-dates the actual planning permission of July 2016) and provides no details with regards noise from ductwork from an air quality mitigation scheme for the flat and how any noise would be appropriately mitigated. The report focuses on outside noise from traffic, people shouting, talking etc., internal noise levels from the ground floor use to first floor and the ventilation extraction system for the restaurant kitchen.</i> 2022 Update: • DAA Group Noise Impact Assessment 16th March 2022 • Drawing package by SE&SE Consultancy Ltd.
8	Before the development hereby permitted commences details of the ventilation extraction system for the restaurant, particularly	Delegated report (2020/0753) mentions: <i>it is considered that although sufficient detail has been submitted to demonstrate that the ventilation extraction system for the restaurant</i>

	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.	<i>would be acceptable with regards odour elimination abilities and filters, <u>sufficient detail has not been submitted with regards likely noise emissions. Data needs to be provided from the top of the stack at the point of exhaust aperture and the remainder of the extract system and evidence provided that the maximum permitted specific sound pressure level of 55 dB(A) at 1m can be achieved.</u></i> 2022 Update: • DAA Group Noise Impact Assessment 16th March 2022 • Drawing package by SE&SE Consultancy Ltd.
9	Prior to first occupation of the flat the Local Planning Authority shall receive confirmation that the specifications laid out in 5.3 of the Able Acoustics noise assessment report dated 18 February 2016 ref: P1185 have been met together with an additional construction to enclose the stairwell.	The approved specification (in 5.3 of the Able Acoustics noise assessment report dated 18 February 2016 ref: P1185) will be met prior to occupation as well as the additional construction to enclose the stairwell.
10	The insulation between the ground and first floor levels of the building shall be carried out in accordance with the details as shown on drawing no. SP/7/2015/M and section 5.3 of the Able Acoustics noise assessment report dated 18 February 2016 ref: P1185.	No discharge is needed
11	The restaurant premises hereby permitted shall only open for trading between the hours of 09:00 - 22:00pm Monday - Sunday and no works or ancillary operations that are audible at the site boundary, or at any such place as may be agreed with the Local Planning Authority shall take place outside of the stated hours.	No discharge is needed
12	Before the development hereby permitted commences details of the precise location and form of domestic and commercial refuse storage	Discharged with application 20200753 (also confirmed with 2016/0951)

	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.	
13	Prior to first residential occupation of the maisonette, the existing rooflight in the front roof slope to serve a store room shall be removed and replaced with a rooflight replicating the specification and sound attenuation as specified for window ranges - 70, -- 60, --66 or -62 on page 3 of the Velux Product Information document submitted with the application	No discharge is needed
14	The 1.8 metre high timber fencing to be erected around the private roof terrace as shown on drawing nos. FCP/7/2016/A rev. 1 and FCP/7/2016/B rev. 5 shall be erected before the roof terrace hereby permitted is first brought into use and thereafter retained permanently with no window, door, other form of opening being formed within it and nor shall it be reduced in height or be changed to a clear or see-through material at any time without the prior requisite permission of the Local Planning Authority	No discharge is needed
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	Delegated report (2020/0753) mentions <i>The applicant has submitted 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. 20160951. <u>It is considered sufficient information has been submitted to discharge condition 15.</u></i> However the conclusion of the report states: 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

	include a timetable for the measure(s) to be implemented, and the development shall accord fully with the approved details.	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 is not clear if Condition 15 has or not been discharged.
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Kind regards,