



Delegated Report

Approval of Details Application

Application no: 20230982

Location: 7 Darnley Road Gravesend Kent DA11 0RU

Description: Application for the approval of condition 6 attached to planning permission 20150923 relating to a detailed scheme for air quality mitigation.

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 no. 6 which this application seeks to discharge.

Three applications to discharge this condition 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 Ramsar Site (15).	Refused	19.05.2023
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
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Consultations

GBC Environmental Protection

The application is for the or the approval of condition 6 attached to planning permission 20150923 relating to a detailed scheme for air quality mitigation.

The documentation submitted with this application and that was considered is as follows:

Application form dated 19/09/23

- Design Statement dated 19/09/23
- A3 Plan Drawing dated 19/06/19
- Air Mitigation Report dated 14/04/22
- Flow Calculations dated 13/09/23
- Checklist 1 dated unknown – checklist includes reference to info provided by Kench Consultants
- Checklist 2 dated unknown
- Example Completion pack dated 06/07/23

Approval of Air Quality Mitigation Scheme

The relevant part of the condition 6 for the approval of the scheme is as follows:

“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.”

In order to approve the air quality mitigation scheme this service still required the information to be provided for points 4, 14, 15 and 20 of the council's air quality mitigation scheme checklist that is as follows:

Comments re Point 4 - The Design Statement states that “A list of personnel is attached including qualifications.” This list of personnel could not be located in the documents provided. It is requested that this is forwarded to this service for consideration.

Comments re Point 14 and 15 – the “Calculations” document provided with the application has provided the information on the flow rates to satisfy the requirements of point 14 and 15 in that they create a positive pressure as follows:

“To ensure the property is positively pressurised, the supply air flow rate shall be 10% greater than the extract air flow rate. These values have been entered into the 'design' column in the table above, highlighted in grey colour.

Supply trickle: 21 L/s

Extract trickle: 18 L/s

117% positively pressurised

Supply boost: 34 L/s

Extract boost: 30 L/s

113% positively pressurised”

Comments re point 20 – The checklist 2 includes confirmation that “A filter cleaning indication will be programmed for inspection via an Aura-T controller. The Aura-T is a simple touchscreen controller for programming, commissioning and occupancy control for Titon’s range of Mechanical Ventilation Heat Recovery (MVHR) units. This will therefore be able to be used by the new occupier to clean their own filtration unit.

This service is now satisfied that the scheme meets the requirements of this service and it be considered to be approved which fulfils the first part of the condition.

Installation of the approved scheme

The scheme must now be installed as approved in order to comply with the second part of the condition:

“The approved scheme shall be installed to the satisfaction of the Local Planning Authority prior to the first occupation of the maisonette hereby permitted.

Commissioning of the Approved and Installed Scheme

The installation must be commissioned to ensure the system has been set up properly and that the approved flow rates (points 14 and 15 above) have been used. Also to confirm in writing that the system creates a positive pressure:

“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)”

Officer visit to site to see approved system installed and operational

Once the approved scheme is installed and a suitable commissioning report has been submitted an officer from the Environmental Protection Team will visit the residential unit to see the system in place and operational.

“and shall also be inspected by the Local Planning Authority to ascertain that the system in place is in suitable working order.”

Maintenance of the system to ensure it is in full working order

“The system shall be maintained as approved and in full working order at all times.”

The reason for the above condition is 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.

Analysis

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:

- Application form;
- Drawing no. SV3198-01 Sheet no. 1 Rev. A;
- Air Mitigation Report Rev. P1 by Kench Consultants;
- Completion Pack Mechanical Ventilation with Heat Recovery Ref. 3002-0051 by built environment technology ltd;
- Air Quality Scheme Checklist for 7 Darnley Road;
- Air Quality Table;
- Ventilation Calculations;
- Design Statement; and
- List of Personnel.

In previous refused application ref. 20220628 all of the information had been provided to satisfy all of the points in the detailed checklist that GBC Environmental Protection use to assess an air quality mitigation scheme apart from four points – point nos. 4, 14, 15 and 20. In this current application GBC Environmental Protection advise that sufficient information has now been provided for point nos. 4, 14, 15 and 20. There was a comment made about the list of personnel missing for point no. 4 but this has been submitted.

GBC Environmental Protection therefore advise that the scheme meets the requirements of their Service and fulfils the first part of condition 6. They advise that the scheme must now be installed and comply with the second part of the condition which is “The approved scheme shall be installed to the satisfaction of the Local Planning Authority prior to the first occupation of the maisonette hereby permitted.’ and thereafter commissioned, an officer visit to approve the system and the system maintained. However, as the condition is one whole condition and these various stages are not in parts the condition must at this stage either be discharged as one or not at all; it cannot be discharged in parts. As GBC Environmental Health have advised that the submitted details of the air quality mitigation scheme are acceptable it is considered that this is sufficient for condition 6 to be discharged. As the wording of the condition states the air quality mitigation scheme must be installed as approved and this must be adhered to. In respect of the commissioning and officer visit this would be down to GBC Environmental Health to pursue such matters under their own jurisdiction.

Conclusion

It is considered that sufficient information has been submitted to discharge condition 6 of application ref. 20150923.

Recommendation:

Approval of Details - Permitted

See draft Decision

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19th January 2024	Dated:	19 January 2024