

Delegated Report

Approval of Details

Planning Application No: 20240621

Location: Call Boy Harmer Street Gravesend Kent

Description: Application for the approval of conditions 5 and 6 attached to planning permission reference number 20210023 relating to the scheme of air quality mitigation and the commissioning report.

Applicant: Cleardon Developments

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. ENV-08664 1 of 3 Rev A – Ground Floor;
Drawing No. ENV-08664 2 of 3 Rev A – First Floor;
Drawing No. ENV-08664 3 of 3 Rev A – Second Floor;
Ventilation Condition Letter – Refrigeration & Air Conditioning Services; and
Product Details Sheet.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240241	Application for the approval of conditions 4 and 8 attached to planning permission reference number 20210023 relating to the (4) remediation statement and (8) noise report.	Approval of Details	01.07.2024
20211083	Application for approval of condition 7 attached to planning permission reference number 20210023 relating to a scheme for sustainable surface water drainage (soakaway size and location).	Approval of Details	26.10.2021
20210733	Application for approval of conditions 3, 9, 10, 11, 12, 13 attached to planning permission 20210023 relating to external facing materials (3), walls and fences (9), soft landscaping (10), external lighting (11), cycle storage (12) and balcony railings (13).	Approval of Details	26.10.2021
20210023	Conversion of existing public house to provide 4 no. one bedroom and 1 no. two bedroom flats including the construction of a new mansard roof and first floor rear extension and erection of 3 no. two bedroomed dwelling houses with private rear garden areas.	Permission	18.05.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- TC3 – Development affecting Conservation Areas

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places.

Consultations, Publicity and Representations

Consultees

GBC - Environmental Protection

Unfortunately, I must largely re-iterate the comments that have been made previously with regards to conditions 5 and 6.

The submitted information, which is basically a submission of information submitted for a previous discharge of condition application (cover letter dated 22 April 2024), again does not meet the requirements of the conditions. Although the applicant has shown that an appropriate ventilation system has been installed and tested (albeit a different ventilation system than originally chose/specified) and refers to the Air Quality Checklist provided by Environmental Protection previously, it has not been adequately demonstrated that all requirements of this checklist have been complied with. The checklist should be submitted with the answers/detail. The flow rates are said to comply with the manufacturers specifications and are compliant with Building Regulations, however the conditions require that the system be positively pressurised, and this has not been demonstrated.

Condition 6 also requires a post commissioning visit by the LPA, but until we are satisfied that the system meets the requirements as per the provided checklist, this visit cannot be arranged.

Based on the submitted information, I am afraid that Conditions 5 and 6 still cannot be discharged.

Officer's Analysis

Background

A previous application (App. Ref. 20240261) was submitted which initially included details relating to the discharge of Condition 6. GBC Environmental Protection provided the following comments in response to the consultation in relation to Condition 6 only:

GBC Environmental Protection - Comments Received 26th March 2024:

With reference to the above conditions, the following comments are made:

Condition 6 (Ventilation)

26.03.24 - Condition 5 of 20210023 does not appear to have been submitted for discharge. That condition relates to the scheme of ventilation that was to be submitted for approval and condition 6 is to demonstrate compliance with that scheme. Without having the full details of the scheme, the certification does not make much sense and is of no use. The certificates submitted are 'Building Regulations Part F - Ventilation for Dwellings Completion Checklist and Commissioning Sheet' which are not the details required. Condition 6 relates to the ventilation scheme being installed in order to deal with poor air quality and as such the system must be positively pressurised so that pollution cannot enter in from the road. This is made quite clear in the wording of the condition. In this respect, the inlet and outlet flow rates need to be specified to demonstrate positive pressure.

Some details of the mechanical ventilation scheme were submitted with the variation application – 20200855. However, these were not deemed sufficient to enable the condition attached to the 2017 permission to be discharged, hence the reason for conditions 5 and 6. From the details that were submitted, Envirovent Slimline 150 units were to be installed, however the certification attached to this application refers to Nuaire MRXBOX95AB units.

Condition 6 cannot therefore be discharged based on the information submitted. It is recommended that as the ventilation has already been installed, that details relating to Conditions 5 and 6 are submitted at the same time and the applicant/agent refers back to the correspondence and details submitted with the 2020 application. Environmental Protection's 'Air Quality Scheme Checklist' should be completed as part of the details for condition 5 and this can be made available.

Revised/Additional details were submitted on 6th June 2024 and Environmental Protection were reconsulted with the following response;

27.06.24 - Conditions 5 and 6 (ventilation details) recommendation that these can't yet be discharged due to a change to the scheme/equipment installed and full commissioning details are still outstanding – email dated 14th May 2024.

As such and in response to the comments received by Environmental Protection, the applicants were advised that Condition 6 could not be satisfied without details of Condition 5 relating to the amended ventilation scheme that has been installed, and details relating to Condition 6 were removed from planning application 20240261. The applicant was advised to submit a separation application to deal with details of Conditions 5 and 6.

Submitted Details

The following information has been submitted to discharge conditions 5 and 6;

Planning Application Form;
Drawing No. ENV-08664 1 of 3 Rev A – Ground Floor;
Drawing No. ENV-08664 2 of 3 Rev A – First Floor;
Drawing No. ENV-08664 3 of 3 Rev A – Second Floor;
Ventilation Condition Letter – Refrigeration & Air Conditioning Services; and
Product Details Sheet.

Condition 5 – Scheme of Air Quality Mitigation

5. *Before any work commences on site the applicant must submit a scheme of air quality mitigation for approval. The mitigation scheme should include the installation of an air system (or air systems) which positively pressurises all relevant residential units i.e. brings in more air than it extracts so that no air seeps into the residential unit through the fabric of the building or doors when people are*

entering and leaving etc. The system must incorporate a heat exchange unit, noise attenuation and must bring in air from the upper most and furthest point away from the source of pollution i.e. the traffic on the road to the south of the development and must be sited away from other pollution sources e.g. flues, soil and vent pipes and must not bring in odour from any commercial extraction system. The applicant will be provided with the checklist of points that must be considered and included in the scheme and which must be adequately demonstrated to the LPA by the submission of required information, plans, commitments etc. in order for the scheme to be approved.

Reason *Due to the application site being within the A226 One-way System Gravesend Air Quality Management Area and in accordance with Policy CS19 of Gravesham Local Plan Core Strategy (September 2014).*

Condition 6 – Installation of Ventilation System

6. *Before occupation the approved scheme must be installed by competent contractors. The installation must then be commissioned, by an independent ventilation engineer, to ascertain if the flow rates are as approved and that the system(s) is fit for purpose i.e. that it fulfils its purpose of positively pressurising the residential units so that pollution cannot enter from the roadside and is not drawn into the property through the air system. The commissioning report must be submitted to the LPA including a signed declaration from the engineer that he is satisfied that it is fit for purpose it has been required for i.e. prevention of air pollution entering the building. The LPA will visit the site following commissioning to ensure the approved systems are installed, seen working and are in the correct residential units etc.*

Reason *Due to the application site being within the A226 One-way System Gravesend Air Quality Management Area and in accordance with Policy CS19 of Gravesham Local Plan Core Strategy (September 2014).*

The submitted information, which is the resubmission of information submitted for a previous discharge of condition application (App. Ref. 2024241), again does not meet the requirements of the conditions. Although the applicant has shown that an appropriate ventilation system has been installed and tested (albeit a different ventilation system than originally chose/specified) and refers to the Air Quality Checklist provided by Environmental Protection previously, it has not been adequately demonstrated that all requirements of this checklist have been complied with. The checklist should be submitted with the answers/detail. The flow rates are said to comply with the manufacturers specifications and are compliant with Building Regulations, however the conditions require that the system be positively pressurised, and this has not been demonstrated.

Condition 6 also requires a post commissioning visit by the LPA, but until the LPA are satisfied that the system meets the requirements as per the provided checklist, this visit cannot be arranged.

Based on the submitted information, Conditions 5 and 6 cannot be discharged.

Conclusion

The submitted information does not meet the requirements of conditions 5 and 6. The proposed ventilation system that has been installed and tested has not been adequately demonstrated that all requirements of the Air Quality Checklist have been complied with and the conditions require that the system be positively pressurised, and this has not been demonstrated. Furthermore, Condition 6 also requires a post commissioning visit by the LPA, which has not been undertaken. Therefore, Conditions 5 and 6 of 20210023 cannot be discharged.

As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2024) and Section 12 of the National Planning Policy Framework (NPPF) 2023.

Recommendation:

Refused.

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Cue</i>	Signed:	
Dated:	23rd August 2024	Dated:	27 August 2024