



Delegated Report

Approval of Details

Planning Application No: 20240827

Location: Tower Place 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. 19001-19 – Rev S7 – Installed MVHR Plans;
Drawing No. 21/104-101 – Rear Elevation Showing Ventilation Terminals;
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;
Supporting Information - External Site Photographs;
Supporting Information - Nuair Group MRXBOX95AB-WHI – Unit Specification;
Supporting Information - Ventilation Certificates Flat 1 to Flat 5 (received 8 January 2025);
Supporting Information - Google Earth Image;
Supporting Information - Photos of Flat 2;
Supporting Information - Photos of Air Flow Tester;
Supporting Information - Certificate of Calibration;
Supporting Information - Energy Rating;
Supporting Information - Air Quality Scheme Checklist for Flats 1-5; and
Supporting Information - Nuair MRXBOX95AB-WHI – Engineers Letter.

~~Drawing No. 19001-19 Rev S6 – Proposed MVHR Plans;~~
~~Ventilation Certificates Flat 1 to Flat 5 (received 26 November 2024);~~
~~Mechanical Ventilation with Heat Recover Completion Pack (10 October 2024);~~
~~Nuair Group MRXBOX95AB-WMI Mechanical Ventilation System;~~
~~Nuair MRXBOX95AB-WMI – Specifications;~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20240621	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.	Refusal of Details	27.08.2024
20240241	Application for the approval of conditions 4 and 8	Approval	01.07.2024

	attached to planning permission reference number 20210023 relating to the (4) remediation statement and (8) noise report.	of Details	
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 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

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

Consultations, Publicity and Representations

Consultees

GBC - Environmental Protection

Following extensive direct correspondence, meetings and site visits with GBC Environmental Protection and the applicant/agent, the following final comments from GBC – Environmental Protection were received on 8th January 2025:

To try and draw this matter to a close without the need for further alterations etc to the MVHR system, the air quality monitoring data from monitoring locations in the vicinity of the development site has been reviewed in order to establish air quality levels at the side facades of the building where the air intake vents are located. The results indicate that in these locations, there is no longer any exceedance of the NO₂ annual average objective (which the Air Quality Management Area is declared for). As such the incorrect installation locations of the air system inlets on the sides of the building, rather than the roof or rear of the building (ie: outside of the declared Air Quality Management Area and as previously agreed), will be accepted in this instance with no further air quality mitigation measures being sought.

The applicant has been advised of this and that given the nature of the development with sealed windows on the roadside facades, the building owner must ensure that the air systems are maintained in good working order, with clean filters etc so as to provide as a minimum, the flow rates required by the Building Regulations at all times. The apartments will otherwise have undesirable living conditions with poor levels of fresh air.

For information, Flats 1, 2, 3 and 4 have inlet ducts and outlet vents on the side walls of the building and flat 5 has an inlet duct and an outlet vent via the roof. There is an additional outlet vent for each flat which is linked to the CO₂ system (the purple ducting on the vents drawing attached) that has also been installed to the bedrooms in each flat. This runs/operates separately to the MVHR system and for in respect of the air system required, we are ignoring this it is a separate system, and the independent ventilation engineer commissioning the MVHR systems has confirmed that it does not interfere with the working of the MVHR systems. In terms of the positive pressure required, although this is not as high as we would like, it is still positive. All windows required to be sealed have been.

Based on this, I can now confirm that conditions 5 and 6 can be fully discharged.

Officer's Analysis

Submitted Details

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

Planning Application Form;
Drawing No. 19001-19 – Rev S7 – Installed MVHR Plans;
Drawing No. 21/104-101 – Rear Elevation Showing Ventilation Terminals;
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;
Supporting Information - External Site Photographs;
Supporting Information - Nuair Group MRXBOX95AB-WHI – Unit Specification;
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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 has been amended from the initial submission, as listed in the submitted documents list, now addressed the requirements of both conditions 5 and 6 of planning application decision notice 20210023.

The air quality monitoring data from monitoring locations in the vicinity of the development site has been reviewed in order to establish air quality levels at the side facades of the building where the air intake vents are located. The installation locations of the air system inlets on the sides of the building, are accepted and no further air quality mitigation measures being sought. The MVHR system has positive pressure and all windows that are required to be sealed, have been.

Based on the submitted information, Conditions 5 and 6 can be discharged.

Conclusion

The submitted information meets the requirements of conditions 5 and 6. The proposed ventilation system that has been installed and tested and has been adequately demonstrated that all requirements of the Air Quality Checklist have been complied with and that the system is positively pressurised. The Local Planning Authority have undertaken and completed a post commissioning visit and have found the details are acceptable. Therefore, Conditions 5 and 6 of 20210023 can now be discharged.

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

Recommendation:

Approval of Details

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	31st January 2025	Dated:	3rd February 2025