

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/00664	Your Ref:	APP/20/00658
EH Case Officer Extn:	44 6677	Date:	15 March 2021
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/20/00658		
Site Address:	Proposed Development site (former Electricity Board site), Bartons Road, Havant		
Proposed Development:	Mixed-use development comprising 175 apartments and two drive-through restaurants, together with associated access, parking and landscaping.		

Observations / Comments:

I have had opportunity to review the reconsultation documents, alongside some of the additional supporting information, and comments of other consultees. I would like to provide some material comments (principally in relation to Air Quality) and also to confirm where previous comments remain valid. Where the latter applies, I will summarise comments previously given – please refer to prior comments (Ref: CONS/20/03077, 10/12/2020) for details.

Public Health (General, Air Quality)

I note that the Public Health consultee welcomes the additional green space, planting and landscaping; however I would highlight that the site has now lost almost in its entirety its mature vegetated boundary, and that the opportunity to incorporate this in to the scheme has now been lost. In Air Quality terms, this almost certainly results in a net detriment to the air quality for future occupants, as a result of the loss of interception/absorption services provided by the evergreen trees.

This consultee highlights the applicant's commitment to residential cycle parking, but has not highlighted the reduction of commercial cycle storage provision to <SPD levels, and assumes that the applicant will adhere to visitor cycle parking requirements for residential purposes. I will address cycle parking specifically & in more detail below.

I note the well justified objection to new A5 use, contrary to NPPF & LP2038 policy C8, and the advice that the decision have regard to air pollution created by these uses. I will address air quality specifically and, in more detail, below. New A5 use is relevant to health & wellbeing, as well as to nuisance and amenity value for future residents and existing neighbours. Whilst MacDonald's restaurants are not universally problematic for nuisance odour, Environmental Health does receive persistent complaints about some restaurants, and this use class so close to a tall residential building could lead to problems arising. I will leave it to my colleagues to address amenity issues specifically, it suffices here to acknowledge the Public Health consultee's comments in respect of applicable policy, and also to note that the presence of drive through restaurants within the development site does represent a detriment to local air quality & health & wellbeing, albeit that no statutory objectives or limit values would be exceeded.

Landscaping (General, Air Quality)

The landscapes consultee requires a planting scheme to mitigate the loss of the boundary trees. Notwithstanding the probable net loss of air pollution mitigation services provided by the boundary planting, relative to the current condition of the site, I would support the landscaping recommendations as being Air Quality positive. I would recommend that native species with a 'Medium' or 'High' Urban Tree Air Quality Score (UTAQS) be selected, in order to contribute to policy objectives relating to Air Quality, Health & Wellbeing, Ecology & Landscapes.

I note the proposal to upgrade Bartons Road Southern public footpath to a shared surface, so to connect with NCN21. I am unclear on whether the revised site plan 9303/100 Rev. I (footpath provision & pedestrian access amendments) fully addresses the previously identified lack of support for sustainable transport – specifically in respect of the standard of internal cycle routes (given the shared residential / commercial access to the site). Section 5.7 of the Framework Travel Plan suggests an on-carriageway cycle route, but details are unclear from the plans reviewed. It is assumed that 'on-carriageway' means 'shared surface for motor-vehicles and cycles'.

Safe internal routes to connect residents with the proposed shared surface on Bartons Road would make more sense of the proposed over-provision for cycle storage within the residential portion of the development. The proposed upgrade of the Bartons Road footpath is welcome, but conflicts with the reduced cycle parking provision for the commercial element of the scheme (see below)

Environmental Health considers that good connectivity (in particular, routes perceived to be both safe & convenient for cyclists) to be important measures to support air quality objectives.

I would be concerned on air quality grounds if the Highways consultees highlight any cyclist safety concerns around the commercial vehicle access – ideally routes should be safe for all users, including families / children, and I am mindful of the incompatibility of on-carriageway provision & commercial customer vehicle access with the resident's travel choice to adopt a sustainable mode of travel (and so to avoid transport emissions).

Parking (Air Quality)

The revised plans appear to have reduced commercial visitor cycle parking spaces by 52 (40 from MacDonald's, 12 from the Costa Coffee Shop. I have not identified any justification for this design change, which is considered contrary to Sustainable Travel, Health & Wellbeing and Air Quality objectives.

My understanding is that;

- MacDonald's Restaurant is proposed to be 390 sqm., with an SPD cycle parking requirement of 1 short-stay space per 20 sqm., & 1 long-stay space per 40 sqm [20 + 10 respectively]. 8 + 4 are apparently accommodated within the revised plans.
- Costa's Coffee Shop is proposed to be 166 sqm., with an equivalent SPD cycle parking requirement as that quoted above [8 + 4 respectively]. Plans appear to show a 0 + 0 provision, but the Framework Travel Plan suggests 6 + 4 will be accommodated.

The provision would appear to be short of SPD requirements, and I see no justification for a reduction in parking to support sustainable travel modes relative to SPD requirement's. *It is considered that <SPD provision should be supported by robust justification, otherwise I would expect the shortfall to justify a material objection to a positive determination.* For clarity, I am calling for SPD-compliant cycle parking to be provided, and am not relying upon my interpretation of the policy as being correct.

It would appear that the residential cycle parking provision exceeds SPD. My understanding is that requirements are 175 + 20% for visitors (210). 245 spaces are provided (representing a substantial over-provision relative to SPD requirements), with all spaces accommodated as secure long-stay spaces. It is not clear whether there is any short stay provision for visitors, or whether any visitors spaces will be accessible independent of assistance from a resident.

In terms of the vehicle parking provision, I note that 100% of spaces are to be provided as unallocated bays. SPD requires 183 + 20% visitor requirement (37), 189 provided. The applicant refers to a probable fall in car ownership since last census, and does not seek to justify the provision based upon the inherent accessibility of the site.

Given these factors however (i.e. accessibility, and 100% unallocated spaces), *Environmental Health would raise no objections to marginal <SPD vehicle parking provision on AQ grounds.*

I would highlight that the parking provision makes no response to emerging policy IN3 j. (provision of electric vehicle charging points), which would also contribute to air quality objectives.

Air Quality Assessment

I would agree the overall conclusion of the assessment, which predicts no exceedance of any applicable air quality standard, nor any magnitude of impact which exceeds the threshold of 'negligible' as defined by current industry guidance (IAQM). As a result, I would agree that the air quality impact of the transport demand of the development is 'not significant' against these benchmarks.

Section 2.9 of the report acknowledges emerging policy E23, but the report does not provide any consideration of it's requirements, and similarly makes no attempt to respond to the aims of part a. of that policy. The report is reliant upon the 'not significant' conclusion to justify it's proposal for no further mitigation measures. I would highlight that E23 does not require any significant impact against IAQM guidance, nor any risk of exceedance of a national objective or limit value, in order to require mitigation. The policy aims to achieve proportionate mitigation of the contribution of the development to local air pollution, irrespective of the current environmental 'capacity' to accommodate new pollution. The policy also aims to address non-transport emissions with on-site measures. It is understood that the policy carries some weight by virtue of the Council's adoption of the LP2036 as it's submission draft.

Section 4.4 of the report outlines measures amounting to 'mitigation by design', citing principally cycle parking provisions required by separate policy, and features which relate to the context of the development site, rather than it's design *per se*.

It is agreed that the set-back of the residential buildings will reduce ambient concentrations for future residents, but this does not mitigate operational phase emissions to the local environment as a result of the development (domestic + transport), as required by policy E23.

Similarly, the 'walls and planting' to shield the development may serve the same purpose as the residential façade set-back, against the current site context – but it must also be recognised that the removal of the mature evergreen boundary trees prior to the application represents a net loss to the locality of pollution interception and adsorption 'services' provided by the trees.

Section 8.5 acknowledges that 'further mitigation measures' could be considered, cites landscaping, filtration, and anti-idling signage. This possibility is essentially dismissed by the conclusions to the report, but the measures mentioned (among others) could contribute to policy E23 requirements and objectives.

I would point out that the cover letter ref: BS-2038 17/02/2021 refers to proposals for domestic space & water heating that are not required by other policy measures, and which would be accepted as contributory to the meeting of E23 requirements.

These proposals also suggest that it may not be proposed to service the development with a domestic gas supply. This could yield cost savings to the developer, and affords the opportunity to provide residential units with cooking facilities which reduce development emissions and contribute to a reduction of indoor sources of pollutants which contribute to poor indoor air quality.

It is for the planning service to determine the appropriate weight to apply to policy E23, so I will not offer a material objection on this basis. I would however highlight that no response has been made to that (and other related emerging policies) which would, when these policies carry full weight, justify a recommendation for refusal in the absence of positive amendments to scheme proposals.

Domestic Space / Water Heating Provision (Air Quality, Noise / Amenity)

The cover letter referred to in the section above includes the following text: *“The Fortitudo product is also designed with the environment in mind, moving away from traditional gas fired heating systems and utilising air source heat pumps.”*. As noted above, heat pumps represent a local generation (Low Carbon) technology, and would be supported by policy E23 on this basis.

I would highlight (however) that the heat pump units require exterior condenser units which are not shown on either the elevations nor the roof plan.

Given that permitted development rights do not apply where more than 1 heat pump will be installed on any residential building (including flats), it is assumed that the proposal to serve the development with heat pumps is a material planning matter. Environmental Health's principal interest would be to understand the potential for nuisance arising from condenser noise, or water vapour (arising from defrost cycles). I would suggest that this is a significant proposal, and addition detail should be sought to understand how this impacts the development appearance, and the amenity of future residents.

Ground Contamination

An updated Interpretive Site Investigation & Remediation Method Statement has been submitted with the reconsultation documents (Rev 3, Rev1 prev. reviewed). This version represent minor amendments only; no response has been made to previous comments by Environmental Health, and no other significant amendments have been noted. Comments provided previously remain valid.

Given;

- That the only groundwater sample available suggests hydrocarbon concentrations exceeding solubility limits,
- That I disagree with the absence of a pathway to controlled waters (given likely direct communication via surface water sewers, via the proposed filter drain-),
- That 'clean cover' is being proposed as both a remedial measure and a necessary planning measure for amenity purposes, and
- That the PCB concentrations are of potential concern to human health where present within a metre of finished levels in areas of amenity landscaping;

I am minded to regard the various deferred proposals (e.g. the import of suitable growing medium, to finalise a detailed drainage strategy post-consent-, and to consult with Portsmouth Water on appropriate specification for the potable supply-) to be *de-facto* risk mitigation proposals.

A bespoke condition would be required to secure the risk mitigation measures – this would not need to be a Grampian-style condition, but should include a 'prior to occupation' clause, and feature wording which requires condition discharge. *If Development Management are minded to either grant- or recommend- consent for this scheme, please contact Environmental Health to discuss appropriate wording.*

Mr. Jonathan Driver
Environmental Control Officer