

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/01403	Your Ref:	APP/20/00363
EH Case Officer Extn:	44 6677	Date:	19 June 2020
DC Case Officer:	Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/20/00363		
Site Address:	The Coal Yard, 178A West Street, Havant, PO9 1LR		
Proposed Development:	Demolition of existing single storey structure and construction of a 3 storey building housing 20No. 1 bedroom 1 person apartments with integrated refuse and cycle storage for Havant Housing Association.		

Observations / Comments:

I have reviewed the application supporting documents and would like to provide comments on the Air-Quality relevant aspects of the development, and in respect of contamination risk. I will also briefly cover tenure & planning status, as this is potentially relevant to concerns raised by the Traffic Team in relation to parking standards, and in addition, could be significant in respect of the contamination assessment.

Tenure

I understand that the residences are intended for people *“who require low level supported living, who are encouraged to live independent lives, but have support available when required”*. Reference is made to parking standards taken from SPD Table 7 – *‘care establishments’* : *‘Residential units for adults with learning or physical disabilities’*.

These comments assume that this use falls under a C2 or *sui generis* use, and that once consented, the use will not be not subject to a future change of use to more sensitive use class other than under either a Class T Prior Notification (in the case of a C2) or full planning application (in the case of *sui generis*).

Similarly, I note that floor plans depict bedroom layouts with single beds, and on this basis, it is assumed that tenure is either as an institutional provision or tenancy (and not owner/occupier tenure), where cohabitation & family occupation is restricted.

If this is not the case, it may lend weight to comments of consultees relating to insufficiency of parking and would potentially necessitate a much more conservative approach to consideration of human health risks associated with contaminants (as children might become resident).

Air Quality (Transport, Parking, Landscape etc.)

There are no material concerns about exposure of new residential receptors to existing poor ambient air quality. Some local monitoring has been undertaken on West street (yielding

favourable results), the rolling stock on the railway lines are overwhelmingly electrically powered (>90%), and West Street is expected to carry less than 5,000 vehicles on the average day, far fewer than would represent a material concern for local emissions and exposures. Separation distances are also such that I have little concern over road-traffic related emissions associated with engine idling which might be prevalent as a result of the level crossing.

In terms of the development as a source of air pollutants; I have reviewed the transport statement and whilst the TRICS based assessment does pose a number of conceptual questions – these are immaterial when considered against the credibility of the basic argument that the net change is likely to be a reduction against a reasonable estimate of the previous consented business use of the site. Traffic & Highway consultees may wish to address the traffic generation figures in more detail, but I am quite comfortable that the air quality impact directly associated with vehicular traffic generated by the development will be negligible.

I am persuaded by the accessibility of the site by active & sustainable transport modes, and I note that vehicular parking would appear to be in accordance with the SPD for an appropriately selected landuse.

In terms of cycle parking however, I note that the SPD specifies 'short-stay' cycle parking at 0.5 spaces/unit, implying that the spaces are intended for use by visitors, and not residents. The design & access statement (plans, and transport statement -) however appear to confirm that the spaces are to be provided as long-stay spaces within a secure & covered store. This implies that the intention is for the spaces to be unallocated spaces for residents. Ad-hoc visitors would be excluded from using these spaces without prior knowledge of the access codes (etc.); care staff might be able to use these facilities, but deliveries, and personal visitors may not; discouraging cycling as a sustainable mode of travel for visits (and possibly encouraging private car use instead, so substituting a zero-emission trip with an emission producing trip).

I would *recommend that the development include a small allocation of short stay cycle parking spaces (e.g. Sheffield stands or similar) at the front of the development*, for use of ad-hoc visitors or care staff.

Whilst I am aware that schemes exist to provide vehicles to disabled persons to improve their independent mobility, and so assume that it can't be assumed that car ownership rates among residents are likely to be zero-, I do view the parking allocation as a positive factor, driving trips towards sustainable and active modes of travel.

In terms of other air quality relevant (-positive) design features – the scheme offers little. The quantum would be captured by emerging policy E23, and it is a little disappointing against that context to see that no consideration has been given to heat recovery, other LDC technology for space & water heating or power, and no specific consideration has been given to reducing emissions from local combustion (e.g. gas use in cooking or heating appliances). It is only implicit that a building-fabric approach to meeting complementary energy & carbon policy is to be adopted.

I note that the landscape consultee has raised issues with the proposed scheme, and is proposing to condition approval of a full scheme. As such, I've no specific comments at this stage as regards the contribution of the soft landscaping to air quality objectives.

The aim of the air quality policy is to 'drive down' emissions, and the value of small contributions is recognised in contributing to this goal on an aggregate scale. Whilst I am not tabling an objection of air quality grounds (in recognition of the current status of emerging policy E23), if amendments to the scheme are necessary, it is worth flagging that there remain opportunities to contribute to carbon, climate, energy & air quality policy aims through small enhancements to the scheme.

Contamination Assessment

The Soils Limited Main Investigation Report Ref: 17902/MIR_R27 Dated November 2019 follows a Preliminary Investigation Report (Ref: 17902/PIR_R26, dated November 2019). I have not had sight of the latter, and it has not been submitted in support of this application. It's content may be inferred from the 17902/MIR_R27 report, so there is no need to request it – however the Main Investigation Report could have been more appropriately tailored to the site had the Council opportunity to comment on the preliminary report.

The scope of the Main Investigation was focussed solely upon the risk to future occupants, from on-site sources. Sampling suites were not specified to account for potential off-site sources, and risk assessment does not consider risks to controlled waters. I also note that the trail hole locations were 'selected by the client' (not the consultant), and that the positions correspond to the position of the proposed building, likely driven by the requirements of the geotechnical assessment.

Risks to Controlled Waters -

The relevance of omitting consideration of controlled waters might be substantially mitigated by the fact that local groundwater was not encountered to the full depth of the investigation (at least 4.0m, possible to the full 6.0m represented by the geotechnical trail holes). Sampling was undertaken at a time when seasonal groundwater would have been relatively low, but it does suggest that the probability of hydraulic continuity between the 'secondary A' class aquifer underlying the site and the lined channel of the Hermitage Stream might be lower than initially expected.

Contaminants from the potential off-site source of the Laundry (chlorinated solvents, or fuel range hydrocarbons) were not included in the sampling suite, but equally, migration over distance would be expected with groundwater (not encountered), and the 'human health relevant samples' were so shallow that it is very unlikely that any migrating contamination would be unlikely to have been captured in any event. No samples were taken for leachate analysis from a level coincident with the invert of the river channel; this could have been informative of whether a 'smear zone' may exist within the seasonal range of groundwater, or within the range where hydraulic continuity might be inferred to exist between groundwater & surface water.

As this is an off-site source, and as LIDAR indicates that the invert of the Hermitage channel is probably more than 1m below the level of the garden area (deeper than relevant to soil mixing & contact pathways), it is probably unreasonable to object to the assessment on this basis.

Risks to Human Health –

The sampling suite is focussed upon the apparent historical use of the site ('the coal yard'), and it's ad-hoc use as allotments, and general made soils.

The report makes an argument for reference to an exposure scenario of 'residential with public open space', and not 'residential with private gardens, but without plant uptake'. Plans show the space to be secure (i.e. private), but it is recognised to be a communal managed space, and the intended tenure being your adults, and not infants. On balance, I would agree that the less stringent screening values are reasonably appropriate.

Against these, several PAH compounds (representative of coal & combustion products) are elevated, but present at acceptable concentrations. Similarly, Copper, Zinc, and Lead are also notably elevated, but only the latter exceeds the selected screening value at it's maximum recorded concentration.

I disagree with the attribution given in the report, and I would consider traditional paints to be a more likely source. I would also disagree with the dismissal of the maximum recorded value on

the basis of it's location. I have undertaken some basic statistical tests on the submitted results, and these show that all samples are likely to be representative of a single soil type (no outliers), and that the US95% estimate (the 95th percentile confidence interval – the value below which 95% of sample results would be expected to fall) exceeds the selected screening value (728 mg/kg cf. screening value of 630 mg/kg).

This means that (in the absence of any further data-) the general topsoil should be regarded as unacceptably contaminated, and so in principle, requires remediation.

I would similarly disagree with the statements given in section 6.4.1, indicating that topsoil is likely to be 'removed' from site as part of site preparation – topsoil is a valuable commodity, and is likely to either be transported off site for re-use (possibly after blending), or stockpiled on site to support the landscaping scheme. In this way, the location of exceedances might be regarded to be of low relevance (as it is likely to be re-located within the boundary of the site).

Soil Gas –

The report recommends a short campaign of gas monitoring from the installed standpipes, not commissioned as part of the main report, and not undertaken at the time of writing. Alluvial soils can generate elevated concentrations of CO₂ & CH₄, so it might be appropriate to expect this recommendation to be actioned. A short campaign of gas monitoring might additionally provide opportunity to undertake some tVOC screening using in situ methods (a PID) – this would add confidence in respect of contaminants omitted from the sampling suite (e.g. sVOC suite, BTEX, TPH CWG)

Recommendations -

That any positive determination of this application includes the following conditions & informatives on the decision notice;

Condition [1] : Contamination (Bespoke – omitting EDS, to follow previous SI, against conclusions)

Prior to the commencement of development approved by this planning permission (or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an appropriate of contamination risks (whether originating from within or outside the curtilage) shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Additional intrusive site investigation, to complement the results of Soils Ltd. 'Main Investigation Report' Ref: 17902/MIR_R27 (Nov. 2019); to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to all identified receptors.*
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are confirmed, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant*

linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Soils Ltd. 'Main Investigation Report' Ref: 17902/MIR_R27 (Nov. 2019) has identified unacceptable concentrations of contaminants in limited samples topsoil which justify remediation of soft-landscaped amenity spaces. Remedial works may be more precisely targeted with the benefit of additional soil quality data. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Condition [2] : Verification (Omitting long-term monitoring / contingency)

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met.

Reason: Soils Ltd. 'Main Investigation Report' Ref: 17902/MIR_R27 (Nov. 2019) has identified unacceptable concentrations of contaminants in limited samples topsoil which justify remediation of soft-landscaped amenity spaces. Remedial works may be more precisely targeted with the benefit of additional soil quality data. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Informative :

"The Soils Ltd. 'Main Investigation Report' Ref: 17902/MIR_R27 (Nov. 2019) has identified unacceptable concentrations of contaminants within samples of topsoil that are limited in depth profile, spatial coverage, and number. The results appear to justify remediation of soft-landscaped amenity spaces on a 'wholesale' basis. This conclusion represents the Councils' opinion and differs from that presented in the report. The purpose of the **conditions [1] & [2]** is to secure, at a minimum-, the appropriate remediation of soils within landscaped areas of amenity land, for the protection of Human Health. It should be noted that the report also makes further recommendations not implemented at the time of writing which would be both informative and beneficial to pursue, and that an additional phase of investigation & reporting would afford opportunity to address perceived limitations of the main investigative report (particularly in respect of risks to controlled waters, soil gas, vapour pathways, and off-site sources). Whilst the primary requirement is to address the identified human health risk, the wording of conditions is deliberately broader. This is to allow for the collection of additional data for the purpose of refining the remediation requirements, and the avoidance of unnecessary or overly precautionary works. For clarity, it is not expected that the additional investigation will adopt an unreasonably narrow scope, and the required scheme of remediation / risk mitigation is expected be appropriately supported by the available data. The Council currently considers that a precautionary scheme based upon the limited results of the Main Investigation Report would likely need to be excessive in scale, failing the sustainability requirement."

Mr. Jonathan Driver
Environmental Control Officer