

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/00238	Your Ref:	APP/19/01226
EH Case Officer Extn:	44 6677	Date:	24 February 2020
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/19/01226		
Site Address:	Coldharbour Farm - Phase 2, Coldharbour Farm Road, Emsworth		
Proposed Development:	Construction of 44 dwellings with access, open space, landscaping and associated works.		

Observations / Comments:

My apologies for missing the portal deadline on this application. I have now found opportunity to review the submitted application, and would like to provide some brief comments on Air Quality (development as receptor), Sustainability, Transport and Access (where Air Quality relevant), Construction Dust, and Contaminated Land.

Air Quality - Development as Receptor

The Lustre Consulting Air Quality Assessment (Ref: 3229/AR/07-2019) concludes that exposures at key (representative 'worst-case') receptors to be around (slightly less than) 50% of the statutory objectives. It is noted that the meteorological data utilised (Fig 4, Shoreham) shows an unusual directional bias to the North, which is inconsistent with local prevailing conditions, and with annualised data for Shoreham for the same reference year, from other sources (e.g. enviroware/METAR).

The alternative sources for Shoreham data show a distribution more representative of local conditions. It is unclear whether an incorrect figure has been presented as Figure 4 in the report, or whether the modelling has used unrepresentative data to inform the dispersal calculations.

Were the result more borderline, I would regard this as a serious issue which significantly undermines confidence in the conclusions of the report. However, -50% relative to statutory objectives must be recognised to represent a significant amount of 'modelling-uncertainty/error headroom'.

With reference to the PfSH modelling output (accounting for the different baseline years, and the PfSH modelling error relative to measured data at New Brighton Road); the Nitrogen Dioxide concentration predicted by the Lustre report for is (roughly speaking) considered likely to under-estimate the 'true' concentration by approximately (-)11%, or ~2.5 ug/m3 (~6.2% of the statutory objective)

In the absence of any means to verify the likely modelling errors for PM10 or PM2.5, it is reasonable to assume a similar magnitude of error. Applying this margin of error to the modelled results does not give cause for alarm relative to the current objective values.

There is some uncertainty as to the future of the PM2.5 objective (which is likely to be significantly tightened under expected forthcoming legislation), however in planning terms we must base the decision upon the standards in force at the time of the application. Notwithstanding the uncertainty with the appropriateness of data underpinning the Lustre modelling, *it is considered that exposures within the development are acceptable, and do not prejudice the granting of consent for the proposed layout.* Conclusion of 6.4 (no specific building mitigation to protect occupants) is agreed.

The Lustre report also presents a 5 year 'new transport emissions' valuation calculation over a 5 year period, amounting to £27821. It is recommended that this sum is spent at the development on measures which mitigate the generation of new emissions associated with the development.

Suggested measures are listed at 6.5 which 'could be' adopted. It is noted that this does not amount to a specific proposal, and in the absence of a planning condition requiring the expenditure of the calculated sum (or requiring the delivery of any specific mitigation measure), the developer will be under no obligation to deliver any mitigation as a result of these sections of the report.

Section 6.5 includes aspects likely to be required by both current & emerging policy (notwithstanding the current status of emerging policy), and the report suggests that this will consume the value given to the 5-year emissions damage estimate. Where existing policy requires specific actions to be undertaken (e.g. DM12, mitigating the impacts of travel, and potentially IN3, provision of a minimum quota of EV charging points); it is considered inappropriate to allocate the air quality emissions mitigation 'budget' to these areas.

Please see section below (Sustainability, Transport & Access) for further comments on mitigation.

Sustainability, Transport and Access (Air Quality)

Comments here relate to the general scheme (drawings, design, planning & energy statements), the Bellamy Roberts Transport Statement (Ref: ITR/MT/5314/TS.2) & Framework Travel Plan (Ref: ITR/MT/5314/FTP.2).

Parking & Access

Generally, the scheme shows a level of parking marginally above SPD requirements, with good visitor provision. I have no justification at this location on air quality or sustainability grounds to call for a <SPD provision.

All units are provided with adequate and sufficiently convenient cycle parking. It is noted that the cycle store for plot 9 is omitted from the drawings - assumed to be a drafting error. It is agreed that the site is sustainably located for access by sustainable modes of travel, particularly for travel to the nearest educational facilities. I have no adverse comments to make about the cycle storage provision or the physical provision for access for pedestrians and cyclists.

Framework Travel Plan

Given that the site has good access by sustainable modes of travel, it is disappointing to see that no specific targets are set for increasing trips by walking, cycle, or public transport. Targets focus instead on reducing the number of single occupancy / single-destination-reciprocal journeys by private motor car.

References to the promotion of car clubs are hollow, given that the nearest provision (by the market leaders) is in Chichester Town.

Targets for encouraging home delivery are supported by a suggestion that properties should be provided with secure drop-boxes to permit unattended delivery of small-to-medium mail-order items. However, the plan uses the wording 'consideration will be given to' (provision of drop-boxes, 9.9). As with the Lustre Air Quality Report - this language does not amount to a firm proposal. The provision is considered to be air quality relevant (and to be relevant & justifiable expenditure from the suggested air quality mitigation fund), but unless this element is included in the approved scheme documents, or is specifically controlled by condition, it is not likely to be implemented.

Recommendations for both direct provision and for providing an expandable 'EV-ready' electrical infrastructure is referred to using similar language (9.10), and are similarly at risk of being omitted from the delivered scheme for commercial reasons.

The framework travel plan is considered to include unambitious targets, and ideally there would be an enhancement to include walking / cycling / public transport targets.

The plan includes a section on monitoring, referring at 11.3 to both 'the relevant Authorities' and 'the Authority'. It is unclear whether the monitoring responsibility is to sit with Highways, with the County Sustainable Travel team, or with the Local Authority (e.g. HBC). Environmental Health is trying to improve the transparency of travel planning by including it within its statutory air quality reporting. In order to do this, there must be clarity in which organisation / team will be collecting performance data.

I would recommend consideration be given to seeking improvements in the breadth of targets set by the framework travel plan, commitments to provide suggested specific measures, and to confirm which organisation will have responsibility for oversight.

Sustainability - Air Quality relevant aspects of scheme design

It is also noted that building elevations & statements refer to the provision of 'solar installation ready' buildings (my phrase), though as for other items noted above, the only aspect likely to be controlled by the consent without specific control is the orientation of the buildings and the pitch of roofs.

The landscape design strategy states at (4.7) that the visual impact of the proposed Acoustic fence is to be softened with native wall shrubs and climbers. This section also states that masonry boundary walls are to be planted with ornamental climbers.

Native trees are principally proposed the flood storage & boundary reinforcement areas, and ornamental street trees elsewhere. section 4.8 refers to the creation of a 'multilevel vertical structure...', which is considered to be of benefit for air quality (particularly with respect to reduction of particulates), irrespective of species used.

Similarly, use of taller native tree species & hedgerows to minimise overlooking from outside the development are considered likely to provide an marginal enhancement over the 'air pollution filtering/absorption' services provided by the undeveloped site.

The Majority of Native Urban Tree Air Quality (index) Score (UTAQS) trees listed in the landscape plan are represented in the 'native tree' planting. Only High & Med UTAQS species are listed, providing a reasonable mix of species capable of stripping particulates, and those better suited to the absorption of Nitrogen Dioxide. A number of other beneficial species are listed (with respect to their canopy type, & family) which are not categorised under the UTAQS scheme.

The most significant element for local air quality is considered to be the vegetated acoustic barrier, and the retention & enhancement of the dense boundary planting. These factors are likely to provide significant direct benefit to the development in terms of reducing exposures to air pollutants associated with the A27.

I am assuming that as the document outlining the landscaping proposals is a 'design strategy', that the proposals contained within it will represent required elements of the scheme, and so likely to be delivered (enforceable as a planning matter if scheme deviates significantly).

On that basis, I offer no adverse comment. I would however *recommend that the Lizard Landscape Design & Ecology Design Strategy (LLD1726-LAN-REP-001) is listed on the decision notice as an approved document.*

I would also *recommend that consideration be given to seeking some form of commitment to either the provision of specific air quality relevant enhancements, or the expenditure of the 5 year 'new transport emissions' valuation.* This would be in line with emerging policy E23 a), emissions offsetting. It would be acceptable to 'consume' this value on items covered by other policy, provided that is allocated to elements which go beyond the requirements of policies governing the minimum provision required for that policy purpose. It would also be acceptable to consume this value on 'air-quality-beneficial' elements not addressed by other policy measures, SPD or Building Control.

Construction Emissions, Dust (Air Quality)

The conclusions of the dust assessment (Tables 10 & 11, 3229/AR/07-2019) are broadly agreed. It is considered that the construction phase is unlikely to represent significant risk to existing receptors, in terms of exposure to air pollutants.

The site access is however noted to be via Coldharbour Farm Road, being a carriageway of <5m width, used for street parking. Development activity is expected to have significant potential for detriment to the amenity of existing residents at Coldharbour Farm Road, and whilst vehicle speeds are unlikely to represent a significant re-suspension risk (to air), road soiling is nevertheless likely to be a significant 'complaint risk' if not diligently controlled.

I note that the application documents do not include a Construction Environmental Management Plan, but Table 16 of 3229/AR/07-2019 does provide a basic list of provisions. It is expected that the developer will observe the recommendations of Table 16, and in addition, will provide a best-practice-standard of wheel-washing on exit from the site, alongside a good level of road sweeping provision. It is also expected that the developer will actively monitor for levels of soiling on approach to the site.

Nuisance provisions are available to resolve complaints if necessary, but these provisions do not extend to property on the highway (e.g. parked vehicles etc.), and in this respect, we are reliant on good planning to avoid the need to consider use of enforcement powers, and to avoid annoyance & detriment to the amenity of local residents which is not covered by the powers available to the Council.

Contaminated Land

The conclusions of the Lustre Consulting Phase 1 Desk Study (Ref: 3229 - 190613 - AR) are in line with the preliminary assessment made by Environmental Health under GEN/17/00765.

I would agree that there is no significant known risk associated with the site, and that previous unrecorded deposits to land, and leaks / spillages from the adjacent petrol filling station represent the greatest risk to the site (considered low-to-negligible risks).

I do not agree that a limited Phase 2 intrusive investigation is necessary, and I do not consider it defensible in planning terms to require a proactive physical ground assessment as a pre-commencement condition. I would however recommend that a formalised 'watching brief / duty to report' is required by means of a suitable condition, under a 'prior to occupation' clause. Suggested wording below:

Contamination Watching Brief

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (obviously contaminated / stained or discoloured soil / groundwater) or any significant buried waste material is encountered (especially metallic objects which might comprise barrels or tanks, vehicles or ordnance), works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1. Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2. An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3. Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) A written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

Reason: *The site is located adjacent to a potentially contaminating landuse (retail sales of petrol, and HGV parking / servicing facilities). The site has not previously been developed, and could be associated with previously unrecorded deposits of waste materials to land. Havant Borough is a low-moderate risk with respect to ordnance (UXO/UXB), with undeveloped sites representing an elevated risk of undiscovered / unrecorded UXO / strikes. This condition requires proportionate management of these low risks to the health of future occupants of the development, 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”*

Mr. Jonathan Driver
Environmental Control Officer