

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01320	Your Ref:	APP/19/00660
EH Case Officer Extn:	44 6677	Date:	29 July 2019
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/19/00660		
Site Address:	38 New Lane, Havant, PO9 2ND		
Proposed Development:	Demolition of existing industrial buildings and erection of 2No industrial buildings (comprising 12No individual units) within B1, B2 and B8 use classes together with ancillary office use, landscaping, car and cycle parking and access.		

I attach a copy of the above application that has been received under the Town and Country Planning Acts.

Any views you should wish to make should be returned to me no later than 01/08/2019.

Observations / Comments:

I have reviewed the application documents and would like to provide some comments on the general subject areas of pollution, contamination, and air quality (covering drainage, transport impact / accessibility / travel plan, sustainability in design, landscaping and contamination assessment).

Air Quality - Transport Assessment

The transport assessment demonstrates a marginal increase in site (employee/customer) traffic associated with the new development, relative to existing. It is noted that the 'existing' traffic associated with the site does not necessarily represent the 'consented' trip rate associated with an existing site full occupancy (100% consented landuse intensity), and so the report may over-estimate impact relative to the existing consented use (how the authors have treated this aspect is not entirely clear).

Trip rates have only been calculated for the purpose of assessing peak period impacts, and have not been presented as AADT to assist with understanding emissions impacts. It is implied within the report that traffic counts were undertaken, but these are not presented, and as a result, no local 'average weekday (AM/PM) peak'-to-'AADT' conversion factor may be calculated. I have based my assessment on the latest available estimates for New Lane (from third parties), which places flows in the region of 5,000 total vehicles on AADT basis.

The Transport Assessment necessarily generic, as the proposal is to offer freehold units under a flexible consent, where trip rates may vary considerably by use. It should be noted that the Transport Assessment appears to have based it's generic highways impact estimates on arrivals & departures of staff & customers (only) - ignoring operational traffic associated with business uses. TRICS summary data presented makes no reference to LDV/HGV traffic, drawing TF7

assigns no HGV traffic to the development access, and B8 is referred to as being associated with generally lower trip rates (which is unlikely to be true of a local distribution business). In this way, the assessment does not account for any increase in HGV traffic that may arise from any disproportionate occupancy by B8 uses the/a flexible consent, and may in all scenarios slightly underestimate the highway impact of the development for the same reason.

Notwithstanding that there are receptors within 5m of the Bartons Road route it is acknowledged that the local road base flows are low, and that relative to the (potential traffic impact of the currently consented use, at full occupancy), the proposed development is not likely to represent a material increase in local road emissions.

From an air quality perspective, it is considered reasonable to treat the development as likely to have a negligible / minor impact.

Air Quality - Travel Plan

As is the case for the transport assessment, the proposed speculative development & anticipated tenure means that the Travel Plan is necessarily generic at this stage, and is necessarily dependent for its effectiveness on 'buy-in' of future occupants.

The plan targets a general 10% employee mode-shift from single occupancy private motor vehicle trips, re-distributed evenly across all alternative sustainable/active travel modes (i.e. no specific alternative transport modes are being targeted). 'Hard' transport mitigation measures consist (only) of connecting the site to existing public facilities (pedestrian and cycle routes), and the plan is largely reliant upon the success of the 'Soft' measures (promotional material, information provision). A site wide travel plan coordinator is proposed, and Hampshire County will have oversight of the plan - which proposes minimum survey response rates for reporting purposes which are in line with County recommendations.

I would agree that the site is relatively sustainable site, with existing infrastructure and service provision at sufficient levels to result in a reasonable prospect of use for travel to site (as alternatives to use of private motor vehicles).

Air Quality - Landscaping

It is noted that the proposed planting scheme specifies around 80% trees, 50% understory, and 66% hedging spp. to be species represented on the Urban Tree Air Quality (index) Score (UTAQS), with good mix of high/med/low index spp.; all native. Given the scale of the development, this is considered to be an appropriate level of planting for air quality purposes, and it is not considered that enhancement should be sought.

Sustainability in Design (Air Quality, Noise)

It is noted that the proposals do not include a response to the emerging policy IN3 in respect of electric vehicle charging infrastructure.

Similarly, comments provided at outline stage (on mitigation of emissions / air quality impact) are dismissed by deferral to the BREEAM assessment (i.e. deferring to existing policy).

Reference is made within the design & access statement to the 'use of renewable energy technologies to produce energy on-site'. This seems to contradict the (preliminary) BREEAM assessment, which omits the credit for assessing feasibility for on-site generation.

I do note that Pol02 anticipates both space heating & domestic hot water being provided by non-combustion appliances, assumed to be by means of either direct electrical or heat pump. The latter is considered to represent an LZC technology, and its specification is considered to contribute to the mitigation of the emissions impact (to air) of the proposed development.

The commitment at Pol05 is also noted (that the sound attenuation of the building will be of sufficient standard that Noise emanating from the building, when measured at the nearest noise sensitive receptor, shall not to exceed background -5dB).

I am not certain whether the Council routinely seeks to secure a post construction BREEAM evaluation by means of suitable condition, but it strikes me that a case could be made to do so under both existing and emerging policy. Whilst emerging policy E23 does not carry substantial weight, it may not be justifiable to consider it on air quality grounds at this time, however it may be helpful to secure the Pol05 commitment for the purposes of DM10 as a complementary measure to the condition already proposed by Mark Moss (dealing with noise from externally mounted plant, ducts or outlets), ensuring that the building fabric offers sufficient attenuation of internally generated noise.

Pollution - SuDS

Pollution control provision within the surface water management system is to be provided via a proprietary system, with the primary stage treatment consisting of a Hydro International Ltd. "First Defense" (vortex separator) unit, and secondary treatment provided by a Condor bypass-interceptor unit sized to accommodate proposed hardstanding (only). In terms of pollutant interception, this proposal is robust and may be supported in principle.

I would however like to make an observation which may be material to considering the efficacy of the overall system performance. Ultimately, SuDS systems are not adoptable, and the Council has a regulatory duty to ensure that satisfactory provision is made for drainage - and unless I have misinterpreted the drainage strategy (which is possible) it appears to me that the means of controlling out-flow of surface waters from the site may increase the likelihood of on-site flooding.

The System design indicated on p41 of 45 (FRA Appendices) implies that the online storage proposed is available only to surface water collected from the 4380m² roof area. Runoff from the 4950m² hardstanding areas appears to be communicated directly to the pollution control structures described above, without any upstream on-line storage capacity provision (other than the volume of below ground pipes). The pollution control structures are in turn upstream of the flow control device restricting out-flow from the site. It follows that a hardstanding area that is flow restricted, and without attenuation risks surcharging at the collection gulleys on site, and may cause local flooding.

The micro-drainage calcs imply that cellular storage was defined as 4 no tanks at 90 cu.m ea. (two 180 cu.m shown on plan), and I note that the drainage calculations refer to chamber references which are not represented on the plan. This would imply that an earlier design iteration was modelled which attributed 50% of the online attenuation volume to yard area, and 50% to roof.

I am not sufficiently familiar with the Microdrainage calculations to verify this interpretation with certainty - but it does raise a red-flag, and I would recommend that clarification be sought.

Contamination Assessment

The Soil Consultants Ltd. Ground Investigation Report Ref 10383/OT(rev1) dated 20/06/2019 includes an Environmental Desk Study & Walkover Report (Vertex Proj. No. 41682, 11/10/2016), a preliminary Ph.2(A) Interpretive Report on Ground Investigation (Report No. 734244-1(00) 08/02/2019), and itself comprises a Ph.2(B) "Supplementary" Investigation.

The Desk Study and Walkover report are of generally good quality, and the results of the Ph.2A & Ph.2B investigations are consistent.

Groundwater and Soil Gas sampling was included within the scope of the Ph.2B assessment, which lends significant confidence to the results from the soil sampling campaign, and is material to the conceptual model for the site. In summary, the report finds;

- No evidence of impact on soils at the site from the adjacent gas holder / Southern Gas Networks site.
- Very little Made Ground is present on site, with a maximum depth of 0.55m identified and much more typically comprising <0.2m - interpreted as comprising hard surface construction or topsoil, rather than materials 'disposed of' to land (general fill).
- Results from across the site which are generally not indicative of any significant contamination.
- Groundwater concentrations which are generally either below the laboratory limit of detection, below their respective EQS screening values, or are marginally elevated concentrations of compounds for which no EQS is available (i.e. substances to which freshwater habitats are not particularly sensitive).
- Groundwater levels which are generally below the invert level of the river Lavant, from which it may be inferred that there is either no direct continuity, or that continuity is sporadic; limited to winter-season / high-groundwater conditions only.

There is one exception to the general findings, where a sample from BH101 returned PAH concentrations in excess of human health GAC for several congeners, and where the corresponding groundwater results returned elevated concentrations which imply an influence from the surface contamination identified, including one result in excess of freshwater EQS (Anthracene concentrations 350% of allowable annual average)

The sample in question was identified as a qualitative outlier. It was taken from very shallow soils, and an additional 'strata horizon' sample was taken a short distance below which showed a marked reduction in concentrations. The trial hole itself had very limited potentially deleterious material (0.15m depth only), and samples were too shallow to be indicative of anything other than surface-deposited material. The interpretation of the report (that the sample represents superficial ashy soils with bituminous inclusions associated with the macadam hardstanding) is accepted, and the result is not considered to be of concern.

I am content at this stage to interpret the groundwater result from the same location as being indicative of a degree of cross contamination caused by the drilling process - it is inconsistent with other available groundwater samples, and natural soils were shown to be uncontaminated. It is possible (however) that the result is indicative of a source elsewhere on site which has reached the groundwater table. That the groundwater is not likely to be in continuity with the Lavant, local Groundwater is not abstracted, and the potable aquifer is present at significant depth - lends confidence in accepting a degree of uncertainty in this respect.

The report ultimately concludes that there is no significant contamination present, and no active linkages. I would agree that the information presented does not support a more pessimistic interpretation, and would in this sense support the conclusion.

I do note however that the investigation undertaken did not seek to target the potentially contaminated land use features identified by Environmental Health at the pre-application stage. Some of these are thought to have never been proceeded with (may never have been present at the site), whilst others were marked on 'existing' plans, and are likely to have been formerly present - these comprise two locations for fuel storage, a flammables / solvent store, garage area, and transformer / boiler room (and below ground oil supply pipe). Localised contamination from these features is possible, though it is acknowledged that the conceptual model for the site is relatively non-sensitive (to contamination/contaminants)

The report proposes general/generic watching brief. The potential localised contaminants comprise fuels, solvents & ash, all substances readily identifiable by visual or olfactory means. I would support this conclusion as being an appropriate and proportionate response to the risks & uncertainties - and would recommend that an open condition be imposed to ensure that a watching brief is observed, and which confers a 'duty to report' any discoveries to the Council. Suggested wording below:

Condition 1: Contamination (Watching Brief – unexpected Contamination)

“The contamination ‘watching brief’ referred to at section 7.5 of the Soil Consultants Ltd. Report No. 10383/OT(rev1) 20/06/2019 shall be observed during all groundwork operations. In the event that suspected contamination (obviously contaminated soil / groundwater, or any buried waste materials that are out of keeping with ground conditions described within the 10383/OT report) is encountered; 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 suspected contamination, 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 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 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: *Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014] and the National Planning Policy Framework, there is a potential for contamination to exist at the site could pose a risk to site construction workers or future occupants”*

Mr. Jonathan Driver
Environmental Control Officer