

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00474	Your Ref:	APP/18/00234
EH Case Officer Extn:	44 6677	Date:	05 April 2018
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/18/00234		
Site Address:	Wellington Way and, 95-101A London Road, Waterlooville		
Proposed Development:	Proposed Development: Demolition of existing shopping parade and redevelopment of the site to provide a nine storey building consisting of 264No. 1 bed/studio build to rent apartments and associated amenity facilities, a D2 gym and A3 cafe, together with associated parking and landscaping		

Observations / Comments:

I have read the supporting information to this application, which is both diverse & comprehensive as regards pollution, contamination and air quality. Particularly as regards air quality, there are a number of aspects of the proposals which are indirectly relevant, and I would like to provide general comments for consideration / the benefit of the public record.

Form of Development; The principal of a high density scheme is considered to be appropriate at this location, being compatible with PPS4, Policy CS9 (pt.4; suitable density for location which appropriately accounts for accessibility to public transport, and local employment / services), and with Policy CS17 (concentration of development within urban areas). The density and form of the scheme are regarded positively with respect to air quality, in that the overall impact this development quantum is likely to be lower in the form proposed than it would be if delivered via a lower density scheme, or one less centrally located.

Provision of local PV generation & EV Charging points; It is noted that comments provided by Environmental Health at the pre-planning stage are directly referred to. The provision of PV generation at this site is welcomed for the reasons previously outlined - both from a sustainability perspective, and from the (indirect, but nevertheless very important) perspective of supporting measures which materially improve local air quality. As has been picked up by the Planning Policy consultee however there remains conflicting references to PV provision within the documentation, with this being referred to both as a firm proposal / commitment, and as a 'potential' feature under consideration. I would support use of a condition to secure this feature, as it is possible, if not probable, that if consent is granted the list of approved documents on the decision notice will include conflicting references unless this is specifically covered by a suitable condition. I note that the provision of EV charging points is similarly referred to (as 'potential provision'). In the absence of a specific condition, there will be no impetus (other than market forces) for the applicant to make a provision.

Sedum Roof / Green Infrastructure & Air Quality; Reference made to comments provided by Environmental Health at the pre-planning stage, but the design statement does not emphasise those relating to the opportunity to create a more '3D green environment' (e.g. planting at 4th floor roof terrace &/or green walls etc.). The sedum roof will provide an absorptive surface which will act as a 'sink' for Nitrogen Dioxide and for Particulates (relative to a hard surface), however it's essentially laminar form will limit the absorption capacity. Little is made of the similar potential of the Ground level terrace / private courtyard garden and ancillary planting to perform the same function. However, this feature provides a 3-dimensional green space at ground level which is acknowledged to be currently absent from the site. In this way, the proposals do represent betterment at the site, and will contribute to the loss of pollutants from ground level air. I note that the example species list for the courtyard is largely comprised of non-native ornamentals, but that detailed planting plan is yet to be finalised. I would highlight that (notwithstanding the need to drought / shade tolerance) the ecological benefits referred to will be maximised by selection of native spp. where possible, and that selection of moderate-to-dense(ly) canopied shrubs & trees with either rounded or columnar form (avoiding trees with spreading habit which may trap pollutants below) will maximise air pollutant stripping and promote cleaner air within the courtyard. By nature of it's form & orientation, the courtyard might be regarded as having potential to 'concentrate' ground level pollutants - being an area enclosed by a min 4 storey height on 3 sides with the potential to act as a local 'street canyon', with the open side down-prevailing-wind of busy roads that contribute heavily to local background pollution levels. Again, there is no suggestion that the courtyard is likely to be at risk of failing an air quality objective - rather it is an opportunity to secure the best value from the proposed feature (in terms of it's contribution to amenity, ecology, and environmental quality) through appropriate specification & design.

Fire Safety; I note that the flats are to be protected by a sprinkler system, and that compartmentalisation & internal / external spread of fire given fairly robust treatment. I am confident the applicant has given due consideration to the fire risk. Proceeding in line with the proposals put forward, it would appear unlikely that any rental accommodation housing standards issues are unlikely to arise in conflict with technical building control compliance.

Asbestos; Given the construction date of the retail premises, asbestos containing materials are likely to be present within the building fabric. It is assumed (expected) that the applicant will undertake an appropriate pre-demolition survey, and that removal of asbestos containing materials will be undertaken (by appropriately licensed contractors) as part of the soft strip, in order to avoid public exposure (or pollutants present within extant buildings becoming soil contaminants). This is usually regarded as a health and safety matter, and would not normally be conditioned by Environmental Health.

Dust Suppression (Construction); I agree that following implementation of proposed dust mitigation measures, the impact of construction related dust can be reasonably regarded to be negligible / 'not significant'. This is of course contingent upon the observing of the measures listed in part 6 to the Air Quality Statement. *It is recommended that the air quality statement is specifically listed as an approved document in order to formalise the listed measures as approved details under which the development must proceed in accordance with.*

Qualitative assessment of Air Quality (Operational Phase); The qualitative assessment is broadly agreed. It is not expected that the development will prove to be at a location where there is a risk of air quality objectives being exceeded. It is similarly agreed that elements of the proposals will positively contribute both directly and indirectly to the incremental driving down of local air pollution and improvements to local air quality. The proposals are regarded as being positive in this respect, but the development offers substantial opportunity to go further in it's environmental credentials as an exemplar / landmark development and catalyst for change in the area. It is ultimately a question of policy as to what benchmarks to apply to the interpretation of policy (e.g. CS14(2), CS15, CS16(3, 6, 7), CS21, DM11(3)).

Transport Assessment: It is noted that the TRICS figures presented (and therefore the estimated trip rates associated with the development) appear to under-represent cycle trips. I would assume that cycles are simply (but unhelpfully) counted as 'vehicle' trips, were it not for the 0.013 "per dwelling per 12-daytime-hrs" 'out' rate. With reference to Appendix G, it would appear that data are only available for a single survey, and I would not expect this rate to be representative of the operational phase trip rate (by cycle mode) of this development.

I note that the parking provision of 0.25 spaces/unit is referred to as "max. allowable", though it is unclear from where this maximum standard is derived. I would agree with the concept of treating the tenure at this development as being likely to result in both lower car ownership, and lower trip rates (than open market 1 bed units for sale), and on this basis, would agree that the parking provision proposed is 'appropriate to tenure'.

It is at this point unclear whether the 18 'on site' spaces are to be utilised for the car club, or whether separate provision is to be made. Given the location and proposals, it is considered that a lower provision (of either spaces or permits) could be supported - and in this way, utilisation of the majority of the 18 spaces for the car club would not be seen to be particularly problematic, if this is the proposal.

The parking surveys would appear to support reliance on a permit scheme to offset low on-site provision, though I would highlight that the use of the spare capacity at public sites by this scheme may prejudice other local development from making use of this capacity (i.e. this development will 'consume' the spare capacity). In the event that the 'indicative masterplan' development(s) come to fruition, and especially if the 'catalyst for development' aspiration is successful in drawing customers to businesses using new active frontage, the consumption of the (currently) spare capacity may prove problematic in future, and this could lead to a decision to reduce or withdraw entirely the allocation of permits for the public car parks that are available to purchase. I do not imagine that risk this will be regarded as sufficient to be contrary to Policy DM6, but it is a foreseeable outcome that is worth flagging. As indicated above, I believe that the development could be appropriately serviced with a reduced parking provision, contingent on the aspects of the proposals aimed at 'car trip demand reduction' being successfully implemented. The risk of future withdrawal of permits is therefore not regarded as being material to the principle of development in terms of its impact upon vehicle use (highways impact, and local air quality).

There is some discussion within the report on vehicular trip rates likely to be associated with the development; with the report presenting a weak justification for its conclusion that the predicted >500 daytime vehicular trips should be considered unlikely to materialise and/or unlikely to be representative of operational phase trip rates. Whilst the argument is poorly presented, in consideration of extant uses that will be replaced by these proposals, I would however concur with the overall conclusion of the report in this regard, if not necessarily the rationale for reaching it.

Framework Travel Plan: The Travel Plan is comprehensive, and provides tangible proposals that are considered plausibly capable of achieving the fairly ambitious modal shift goals. I would point out that the modal shift target of -20% for 'car' trips (5 yrs, from baseline) does not distinguish car journeys either by occupancy, or by vehicle ownership. It seems a slightly perverse goal given the provision of a car club on site, and that lift-share schemes are to be promoted. Ideally the car trip reduction target should be taken to apply to "single occupancy" & "private vehicle" trips. Use of EV or LEV vehicles offered by the car club should be taken to be a travel plan success.

This minor point aside, the plan is broadly agreed to be appropriate. Page 1 lists 4 developer 'commitments', which refer to measures outlined within other sections of the report. This

document will be enforceable (i.e. impetus maintained to deliver the measures outlined) if the Framework Travel Plan is listed on the decision-notice as an approved document. *I would recommend that the document is so listed on any favourable determination, and that any reference to it is made in sufficiently general terms as to permit the document to be a 'living' plan (as intended), whilst also committing the development to it's broad proposals (i.e. not to permit any sweeping reduction in measures). The accompanying legal agreements (e.g. s106) will need to make appropriate provisions to accommodate the plan, and any associated bond to facilitate HCC monitoring.*

Utilities, Ventilation & SuDS: from an air quality perspective, as no pollutant concentrations are expected at the building at levels exceeding 90% of the NAQS Objectives / Air Quality Limit Values (particularly NO₂ or PM₁₀, PM_{2.5}) are predicted at the building; the ventilation solution is not particularly relevant to Environmental Health. Noise transmission may be a factor - but I note that acoustic inlets are proposed. Colleagues will be looking at the noise assessment, I have not reviewed it in detail.

As regards, SuDS, it is noted that Environmental Health comments have been briefly considered, but swiftly dismissed. I believe that references made in this section to a need to dye rainwater for distinguishment purposes is incorrect. My understanding is that this is an American practice, and that UK building regulations require only that pipework is adequately identified. I am not sure that the argument for dismissal strictly stacks up (especially as duplication of pipework needn't apply to the whole building, and might instead be limited to commercial uses or the number of residential units that the rainwater yield would be sufficient to serve). This notwithstanding, I recognise that it is ultimately a question of policy as to what benchmarks should be taken to apply to the interpretation of policy CS16(6). I note that the LLFA has picked up on lack of existing / post-development run-off calculations, and I will leave it to the LLFA to comment on flooding aspects. Given the indicative proposal to discharge surface water to public sewer via a storage tank and controlled release (i.e. no infiltration disposal), and that both the proximity of the site to the public system and the local geology makes alternatives unviable; *I have no pollution attenuation or contamination mobilisation concerns, and therefore offer no objection to the proposals.*

Consultees Comments: I note that Portsmouth Water has requested details of foundation design, suggesting a condition requiring a piling risk assessment, but not specifying wording. I can provide suitable wording if required. I have however checked the available BGS borehole records, and note that the Chalk Aquifer is expected to be present at depths around or exceeding 85m below ground level, with clay strata present to just short of 50m depth. Geotechnical details are required alongside foundation design proposals in order to appropriately assess risks, but given that numerous local BGS records prove Clay to 35m depth, and on the assumption that a piled foundation for the proposed 9 storey structure is unlikely to necessitate use of piles exceeding 35m in length; I would anticipate foundation termination in clay, and groundwater risks (turbidity and contamination pathway creation) to be low. I note that the response from the Traffic/Parking team was to raise concern about an 'insufficient number of spaces' (in public Car Parks), apparently in conflict with applicant discussions with the team at EHDC, and the parking survey. Environmental Health's position (as regards the traffic impact on local air quality, and measures aimed at reducing travel by private motor car) is provided in the transport assessment and travel plan section above, but the response from Traffic team does serve to underline the importance of the travel plan measures.

Contamination: The report summary acknowledges a number of potential sources, both on site within the general vicinity. The preliminary assessment indicates a relatively low risk of contamination being significant in the context of the development, owing to the underlying shallow strata being classified as unproductive, the distance to the Public Abstraction, and the low relative sensitivity of development. This broadly accords with Environmental Health's own qualitative assessment. I note that a Phase 2 intrusive investigation is proposed in conjunction

with a Geotechnical Investigation to support the foundation designs. This approach is agreed, and I would propose a suitable suite of conditions to secure the proposed work.

Condition [1] (Contamination – omitting EDS, based upon submitted EDS proposals)

Prior to the commencement of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, 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) An intrusive site investigation based on the proposals outlined within the Lustre Consulting Phase 1 Desk Study (Ref: 1777\AR\11-2017\737); 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 identified, 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 in the Remediation Strategy (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: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous land uses (&/or activities) on site and in the vicinity, that could pose a risk to future occupiers of the site.*

Condition [2] (Verification of Remedial / Risk Mitigation Works)

*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. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a “long-term monitoring and maintenance plan”).

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future site occupiers.*

Mr. Jonathan Driver
Environmental Control Officer