

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/17/02063	Your Ref:	APP/17/00184
EH Case Officer Extn:	44 6677	Date:	27 October 2017
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/17/00184		
Site Address:	Raebarn House, Hulbert Road, Waterloo		
Proposed Development:	Proposed change of use of first floor retail area to form 8 No. self contained 1 and 2 bedroom flats. (Approved 21.07.17. Request to Discharge Conditions 3 & 4 (28.09.17).		

Observations / Comments:

I have reviewed the submissions, and note that the applicant has referred to pre-application advice received from myself, over several telephone discussions and email exchanges, which I can confirm. My discussions were with an agent to the applicant, Jenkins Architecture.

Condition 4 has no relevance to Environmental Health. Comments here will relate to c.3 only.

I have previously indicated to the agent that whilst the reason for the condition having been requested can be generalised to 'road traffic related pollution', in policy terms, the driving rationale for the imposed requirement was the new relevant exposure to existing elevated levels of Nitrogen Dioxide (potentially representing a new breach of a National Air Quality Strategy (NAQS) Objective, contrary to DM10). For clarity, residential development is not acceptable in this location in the absence of suitable mitigation which takes the new residences out of scope of the NAQS objectives. The condition wording specifically referenced Nitrogen Dioxide for this reason.

The proposed filtration system does target road traffic emissions in general, but is only capable of absorbing particulate and organic pollutants that can be readily filtered or absorbed onto activated carbon. Nitrogen Dioxide has a very poor affinity with activated carbon, requiring specially augmented filter media, and a dramatically increased surface area & residence time to achieve reduction.

I have checked the manufacturers information submitted, alongside the technical sections of the manufacturers website, and note that no reference is made to Nitrogen, Oxides of Nitrogen, Nitrogen Dioxide, NO₂, NO_x, or any related pollutant in any of their FAQ's, product manuals, user guides, or technical specifications. It simply falls outside the scope of the unit's designed function.

Allowing discharge of this condition on the basis of the proposals put forward would not remove the proposed dwellings from applicability to the NAQS objectives, and occupation could therefore represent a breach of an air quality standard. This would trigger a mandatory regulatory response that would have long-term policy implications for the town of Waterloo, and potentially the entire Borough.

On this basis, I object to the discharge of c.3 under the present submission in the strongest possible terms. Discussions with the agent yielded some apparently feasible options for meeting the requirements of the condition, which have not been put forward. I have at all stages of discussion with the agent been clear that the Council is able to be flexible as to the approach to meeting the fundamental purpose of c.3.

It is accepted that there may be technical challenges in the detailed design, and that cost considerations may preclude feasibility of some viable technical options. If all the technical options for precautionary mitigation have been exhausted without surmounting barriers to the feasibility of implementation; I would consider robust case being put forward which demonstrates the mitigation is not in fact required. The requirement (imposition of c.3) was based upon long-term pollutant monitoring at the north side of the A3 Maurepas Way / A3 London Road / B2150 Hulbert Road junction, and an assessment of the physical form of the local built environment (including the characteristics of the local road network and associated traffic flows. It was concluded that a breach of the objective value was foreseeable at the development site location - it has not been confirmed at the facade of the building.

If the applicant can demonstrate (through a combination of empirical monitoring, and modelling) that either a) or b) below apply, notwithstanding that the specific requirements of c.3 would not be met, I could agree the discharge of the condition on the basis that the submission satisfies the underlying policy requirements (i.e. that an otherwise unacceptable development is made or demonstrated to be acceptable in policy terms).

- a) Air Quality at the 1st floor facades of Raebarn House within the stated buffer (15m from the B2150 Hulbert Road) is compliant with the NAQS objective for Nitrogen Dioxide, and is likely to be for the foreseeable future. or;
- b) Air Quality at the air inlets termination (where inlets either avoid, or project beyond, the 2nd floor projecting overhang and maximise achievable inlet height) is compliant with the NAQS objective for Nitrogen Dioxide, and is likely to be for the foreseeable future.

In the absence of a technical solution that meets the requirements of c.3 as it relates to Nitrogen Dioxide, or an acceptable alternative submission demonstrating a) or b) above, then the condition requirements cannot be met, and the approved development is not acceptable for this location (and should not be permitted to proceed).

Mr. Jonathan Driver
Environmental Control Officer