

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/03599	Your Ref:	APP/20/00658
EH Case Officer Extn:	44 6677	Date:	07 April 2022
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	APP/20/00658		
Site Address:	Proposed Development site (former Electricity Board site), Bartons Road, Havant		
Proposed Development:	Proposed development of 175 apartments together with associated access, parking and landscaping [Reconsultation]		

Observations / Comments:

I have reviewed the revised supporting documents, and would like to provide updated comments. Where previous comments made against this application remain valid, the key points will be summarised here – but please refer to the text of prior comments for detail.

Contamination

A narrative review of the previously submitted phase 1 & 2 assessment has been provided in comments under our ref: CONS/20/03077 & CONS/21/00664.

No response has been made to previous comments by Environmental Health under the current consultation, and for this reason comments provided previously remain valid.

Given;

- That the only groundwater sample available suggests hydrocarbon concentrations exceed solubility limits,
- That I disagree with the absence of a pathway to controlled waters (given likely direct communication via surface water sewers, via the proposed filter drain-), and that shallow made soils are perhaps the most likely source of hydrocarbons,
- That 'clean cover' is being proposed as both a remedial measure and a necessary planning measure for amenity purposes, and;
- That PCB concentrations of potential concern to human health where present at risk-assessment-relevant depths, relative to finished levels in areas of amenity landscaping;-

I am minded to regard the various deferred proposals (e.g. the import of suitable growing medium, to finalise a detailed drainage strategy post-consent-, and to consult with Portsmouth Water on appropriate specification for the potable supply-) to be *de-facto* risk mitigation proposals for which planning controls should be in place to secure. I have previously indicated that suitable controls need not be Grampian style conditions, but this would carry a risk that

enabling groundworks could hamper appropriate steps to address the identified risks – especially with respect to PCB concentrations in made soils. Suggested condition wording below. These conditions should be applied in addition to Conditions 1 & 2 proposed by the Environment Agency

Contamination (Bespoke – omitting EDS, based upon previous investigation & reporting) [1]

Prior to the commencement of any specific phase 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), a scheme to address risks identified within the fortitude HAV164.D/SI/002 rev3. Investigation & remediation strategy report be submitted to and approved in writing by the Local Planning Authority.

The scheme may take an iterative & proportionate approach, may comprise separate reports / assessments / statements as appropriate, shall be undertaken by competent persons, and unless specifically excluded in writing by agreement shall include;

- 1) Further consideration of risks posed to future site occupants by PCB contamination identified within the made soils associated with trial hole position TP2B and any soils of similar character.*
- 2) Where risks cannot be dismissed by (1), an updated Remedial Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability,*
 - clearly defined proposals for mitigation of the identified risks, and;*
 - a 'contamination discovery strategy' which includes arrangements for contingency action*
- 3) A verification plan which details the data that will be collected in order to demonstrate that the works set out within the Remedial Strategy (2) are complete.*

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

Reason: *To ensure that the development does not contribute to, is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework. Prior investigation identified some results of concern that have not been adequately considered, and the previous remedial strategy omitted a discovery strategy. Contamination may be present in areas of the site that have not been inspected or sampled during prior phases of physical site investigation that could nevertheless pose an unacceptable risk to human health or controlled waters.*

Verification (limited) [2]

*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: *To ensure that the development does not contribute to, is not put at unacceptable risk from- or adversely affected by-, unacceptable levels of contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework. Prior investigation identified some results of concern that have not been adequately considered, and the previous remedial strategy omitted a discovery strategy. Contamination may be present in areas of the site that have not been inspected or sampled during prior phases of physical site investigation that could nevertheless pose an unacceptable risk to human health or controlled waters.*

Air Quality (Exposure Assessment)

No update has been provided in respect of the quantitative assessment of air quality. I have previously agreed the conclusions of the prior report, which included traffic associated with the previously proposed (high-traffic) commercial scheme. No update of the assessment is therefore necessary. No objections arise.

Air Quality (Mitigation of Operational Phase Transport-Related Emissions, Access)

The revised documents outline a significantly improved package of 'hard' measures to promote sustainable and active travel choices – in particular as outlined within para's 6.18, 6.19 & Appendix E of the transport assessment. I note that the proposals are compatible with Sustrans strategic objectives, and integrate well with network improvements secured through other local developments, and I would consider that they are likely to make a significant positive contribution toward improving local air quality.

I note that para. 8.41 of the transport assessment does not necessarily present these measures as a definitive proposal, noting that *'a judgement must ...be made regarding whether the slight forecast increase in delay to drivers during the peak hours is worth the provision of the signalised crossing points which will significantly improve the pedestrian and cycle environment'*. Environmental Health would necessarily argue that this trade-off is worthwhile, reflecting the highway user hierarchy as well as the planning policy objectives for public health-, climate-, and of course air quality.

In respect of the package of hard measures, I note that Table 3 of the Transport Assessment refers to several items for which details are to be provided at the detailed design phase. Given that this is a full plans application, it is assumed that a condition is necessary to secure specifications for these elements that would be acceptable to the Highways Authority (necessary to ensure that the provisions are safe and convenient, and do indeed support sustainable and active travel choices). It is assumed that where these elements would not be addressed by a separate agreement (e.g. a s278 or s106), the Highways Authority will propose wording to secure any elements of detailed design not secured within the revised proposals.

With regards to the internal layout, and permeability of the site; my previous concerns in respect of the safety & convenience of internal cycle movements for all users have been addressed by the omission of both the drive-through restaurants from the development land to the north, and of the permanent vehicular access to Martin Road.

I note that draft proposals for this development land are for a commercial use which poses a much lower risk to vulnerable, novice or nervous cyclists (e.g. children) than would the previous proposals, and that the avoidance of a through route for motorised vehicles should have a positive impact on local vehicle speeds, and consequently upon the perceived safety of the internal on-carriageway cycle-route provision. I would therefore agree that the amendments provide safe & suitable access for pedestrians & cyclists, so as to support active & sustainable travel choices.

Air Quality (Operational Phase Non-Transport Emissions), Noise/Amenity

No additional details. Prior comments apply, reproduced below for convenience;

The cover letter referred to in the section above includes the following text: *'The Fortitudo product is also designed with the environment in mind, moving away from traditional gas fired heating systems and utilising air source heat pumps.'*

Heat pumps represent a local generation (Low Carbon) technology, and would be supported by air quality planning policy on this basis. I would highlight (however) that the heat pump units require exterior condenser units which are not shown on either the elevations nor the roof plan. Given that permitted development rights do not apply where more than 1 heat pump will be installed on any residential building (including flats), it is assumed that the proposal to serve the development with heat pumps is a material planning matter. Environmental Health's principal interest would be to understand the potential for nuisance arising from condenser noise, or water vapour (arising from defrost cycles).

I would suggest that this is a significant proposal, and addition detail should be sought to understand how this impacts the development appearance, and the amenity of future residents.

Mr. Jonathan Driver
Environmental Control Officer