

# HAVANT BOROUGH COUNCIL

## Town & Country Planning Act 1990

### Consultation on Planning Application

#### MEMORANDUM

|                              |                                                                                                                                                |                  |                            |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| <b>From:</b>                 | <b>Environmental Health</b>                                                                                                                    | <b>To:</b>       | <b>Development Control</b> |
| <b>Our Ref:</b>              | CONS/16/01559                                                                                                                                  | <b>Your Ref:</b> | APP/16/00875               |
| <b>EH Case Officer Extn:</b> | 44 6677                                                                                                                                        | <b>Date:</b>     | 21 November 2016           |
| <b>DC Case Officer:</b>      | David Eaves                                                                                                                                    |                  |                            |
| <b>DC Case Officer Extn:</b> | 44 6549                                                                                                                                        |                  |                            |
| <b>Application Number:</b>   | APP/16/00875                                                                                                                                   |                  |                            |
| <b>Site Address:</b>         | Proposed Restaurant / Drive-Thru, Larchwood Avenue, Havant                                                                                     |                  |                            |
| <b>Proposed Development:</b> | The erection of a drive-thru restaurant (Use Class A3/A5), car parking, access, servicing, landscaping, engineering works and ancillary works. |                  |                            |

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#### Observations / Comments:

I note that Communications from Savills specifically reference my comments on drainage. I have previously seen the documents added to the planning file concerning the bypass interceptor & Aquacell system, and responded by email on 14/10/2016 as follows;

*"A number of the issues I touched on in my consultation response are really for the LLFA to address, falling outside the remit of environmental health. I've taken a look over the installation & maintenance guidelines for the Conder CNSB Concrete Surround Bypass Separator, and I would interpret the "take-away" messages to be:*

- The party responsible for maintenance (& any related environmental release) will be the owner of the land served,*
- Maintenance will comprise physical inspections at a minimum frequency of 6 monthly intervals, and required works (emptying, filter inspection replacement etc.) undertaken as necessary. It is assumed that an alarm will not be installed,*
- Installation & commissioning of this system will be in accordance with the manufacturers recommendations.*
- The attenuation tanks will be sized in accordance with the general 'area drained' guidelines provided, to include the roof area, as appropriate.*

*The submitted information does not specifically address the flow control structure, permissible out flow calculations, or allowance for climate change. These are flood mitigation matters on which the LLFA should be able to provide authoritative comment. It is assumed that the applicant will specify a model of interceptor of the above-referenced type appropriate for the area to be drained, if unavoidable and where appropriate, including the drained roof area. As previously indicated, the risk level of a commercial premises car park & access road is such that a bypass interceptor is appropriate (and therefore acceptable).*

*I do not require sight of the specifications / details described in the paragraph above; I am satisfied that the applicant intends on installing, commissioning and maintaining an appropriate (and appropriately sized) interceptor in accordance with the manufacturers guidance."*

As highlighted above, I am satisfied from a pollution control perspective. Flooding falls outside the remit of Environmental Health to make formal comment on, though this remains a material planning matter which must be adequately taken into account either at the application stage, or in drafting the planning consent.

It is notable that recent flood risk re-insurance initiatives do not apply to post 2009 developments, as there is a tacit expectation that the planning system will adequately address-, and secure mitigations in respect of- the flood risk of new developments (whether protecting future owner / operator / occupiers from flooding, or limiting the contribution of the development to wider flooding risks). The Environment Agency no longer provides comment on flooding matters, and this instead (should) fall to the LLFA.

I note that the LLFA does not appear on the consultation list for this application - it is best placed to provide detailed comments in this regard; however as is also noted above, the information provided with this application (in respect of flooding and surface water drainage systems) is limited, and this would hamper the ability of the LLFA to comment specifically on scheme details. The flood risk aspect (particularly the risk of incremental contribution to down-stream flooding risk, and assessment of compliance with core national planning policy in respect of sustainable urban drainage) is to some extent distinct from considerations of environmental health (pollution) and drainage engineers (ability of system to serve the needs of the development).

I note that the applicant fully anticipates a planning condition to be included on a decision notice to cover the system design (still pending). I have no problem with the drainage system being approved at a later stage, but given that drainage represents critical below ground infrastructure (around which onward connections would be planned) I'd expect the finalising of it's design & layout to be approved prior to commencement.

I would recommend that the LLFA be consulted on all new developments that involve new construction, as all will alter rainfall interception / infiltration rates, even if the discharge arrangements are unchanged (in terms of discharge destination) .

I appreciate that this application has already received a time extension, so it is likely not feasible to consult the LLFA and receive a response before the decision date. For expedience therefore I'd propose the following condition to ensure that flooding & sustainable drainage is appropriately considered as a part of this development. For clarity however, I'd expect the LLFA to comment on any submissions from the applicant in support of discharging the condition, as the information lacking concerns flooding, not pollution.

#### **Condition 2: Surface Water Drainage**

*Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. Proposals shall be in accordance with the principles of CIRIA C753 (SUDS Manual, 2015), and shall demonstrate that the rate of surface water discharge from the site does not exceed that of the existing site. Where appropriate, a schedule of operational and preventative maintenance shall be included for surface water drainage structures, flow control devices, pumps or separators (etc.) required either for the proper operation of the system to it's design flow rates or for the effective retention of pollutants to prevent downstream release. Parties responsible for observing the maintenance schedule shall be clearly identified. All details submitted in accordance with this condition shall be implemented as approved.*

**Reason:** *The application outlines drainage system design principles, but does not include specific surface water management proposals. Appropriate system design is required to prevent surface water drainage functioning as a pathway for environmental release of pollutants, and to meet the requirements of para. 103 of the NPPF in respect of downstream flood risk. This condition is*

*imposed having due regard to policy DM10 (Havant Borough Local Plan (Core Strategy) 2011) and the National Planning Policy Framework 2012.*

I have no specific comments to add to my previous response dated 15th September 2016, but would re-state that it is appropriate to require that the ground contamination risk mitigation works are undertaken as proposed, and that a verification report be submitted to demonstrate the efficacy of those works. As previously, I have no objection to the granting of consent for the proposed scheme, subject to the following condition;

**Condition 1: Implementation of Remedial Measures, and Verification Reporting (Bespoke)**

*The development hereby permitted shall be carried out in accordance with the recommended Remedial Works, Dust Control Provisions, and Construction Watching Brief outlined within sections 7.4 & 7.3.1 of the Crossfield Consulting Site Investigation Report Ref CCL02834.CA31 March 2016, unless otherwise agreed in writing by the Local Planning Authority.*

*Prior to the occupation of any relevant part of the permitted development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate the quality of imported soils, the depth of cover achieved, and that any other relevant site remediation criteria have been met.*

**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], A degree of contamination has been identified as being 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