

London Borough of Hammersmith & Fulham

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Richard Ward
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26 October 2011

Our Reference: 2011/02000/FUL

Case Officer: **John Sanchez**
Telephone Extension: **3346**

Dear Mr Ward

REQUIREMENT UNDER REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 1999 TO PROVIDE FURTHER INFORMATION IN RESPECT OF THE ENVIRONMENTAL STATEMENT:

Application Site: Car, Coach And Lorry Park And 20 Seagrave Road, Diary House And Adjoining Electricity Sub station, Roxby Place, London SW6

Proposal: Demolition of all existing buildings and the development of 808 residential units comprising; 8 residential blocks (Blocks A-H) ranging from 4 to 16 storeys (plus basement level) and including 30 townhouses (C3); a gym facility with associated café (D2); together with 485 car parking spaces (455 spaces at basement level); in addition to open space/landscaping, plant, cycle parking, servicing and new vehicular access arrangements to Seagrave Road.

On 22 June 2011, you submitted the above planning application on behalf of EC Properties. This application was accompanied by an Environmental Statement (ES).

Both Hammersmith and Fulham Council and their appointed ES consultants (Boyer Planning) have reviewed the Environmental Statement. In consideration of the ES, and the review of it by Boyer, the Council is of the opinion that the statement should contain further information in the ES in order for it to adequately assess the potential environmental impacts of the development proposals.

Since the submission of the planning application and the associated ES, the EIA Regulations have been replaced (24 August 2011) by the 2011 EIA Regulations. However, for the purposes of this planning application, the 1999 EIA Regulations apply. This is because the submission date of this application is prior to the 2011 Regulations coming into force (see Regulation 65).

Accordingly, the further information required by the Council is made under Regulations 19(1) of the 1999 EIA Regulations.

In addition, the Council seeks clarification and additional information on a number of other matters which relate to the ES. The Council considers that the information to be provided will comprise additional information for the purposes of the 1999 EIA Regulations.

Once the further information and additional information has been provided, the Council must publish a notice in a local newspaper in accordance with the requirements of regulation 19 and, amongst other things, make it available for inspection for a period of at least 21 days. To enable the Council to meet these requirements, please would you send me 4 hard copies and 20 copies on CD. You are also required by the regulation to ensure a reasonable number of copies are available.

FURTHER INFORMATION REQUIRED UNDER REGULATION 19 of the 1999 EIA Regulations

(1) Light spillage and solar glare, which were identified in the Scoping Report, have not been considered by the ES technical chapters. In addition, it is not evident that specific properties referred to in the Council's Scoping Opinion have been assessed by the daylight, sunlight and overshadowing study.

(2) The ES does not contain a cumulative impact assessment chapter. This is contrary to the Scoping Report submitted by URS. Paragraph 194 of the Scoping Report includes a list of "proposed chapter headings" and makes reference to cumulative impacts. Therefore, it is questioned as to whether 'type 1' cumulative impacts, defined as the combined effect of individual impacts, for example noise, airborne dust or traffic on a single receptor have been adequately assessed in the ES.

(3) Further information in respect of amendments sought during the design development process to minimise adverse effects on daylight and sunlight to neighbouring properties. Although chapter 3 of the ES provides a discussion on design alternatives and evolution, it is not evident from that information how the scheme as amended to minimise the loss of day or sunlight on neighbouring properties was undertaken.

REQUEST FOR CLARIFICATION AND ADDITIONAL INFORMATION

(1) The daylight, sunlight and overshadowing assessment contained in chapter 9, the Council's Scoping Opinion "*considered the impact on neighbouring commercial properties in terms of daylight, sunlight and overshadowing [on commercial properties] in Roxby Place and Ricketts Street should be included in the assessment.*" The Council's Scoping Opinion noted that these commercial properties are less sensitive to daylight and sunlight impacts than residential properties, but considers that impacts on these properties is nevertheless a material planning consideration and the scope should be extended to include these commercial units. It is not evident from the ES chapter that these commercial units have been taken into consideration and assessed in terms of potential impacts. In particular the Council will require any ancillary habitable rooms provided on the south elevation of the upper floors of The Atlas, 16 Seagrave Road London SW6 1RX to be included in the daylight, sunlight and overshadowing assessment.

(2) Chapter 9 of the ES does not provide an overall summary of the daylight, sunlight and overshadowing impacts within the development site itself as this

information is provided within the technical appendix. A summary of this assessment needs to be provided in the main ES document.

(3) In Chapter 4 of the ES additional information relating to the number of units per building should be provided, in accordance with the Scoping Opinion. The overall unit numbers are provided, but a break-down of the number of units in each building is not provided.

(4) With respect to electronic interference the period for complaints to be received post-completion should be extended beyond 3 months.

(5) In Chapter 11, additional information required to update the ground conditions baseline position based on the Council's environmental records and a review of the assessment to incorporate the potential contamination identified in the 2001 site investigation.

In addition the following points have been made by the borough Contaminated Land Officer:

Non-Technical Summary

Point 11.21: This point notes that as the UDP no longer contains a contaminated land policy, and gives EN20A as an applicable policy. This should be complemented with policies G0, G3 and EN21.

Point 11.22: This point refers to the emerging Core Strategy where Policy CC4 will be the new Contaminated Land policy.

Point 11.24: This list of relevant legislation and guidance should include reference to: CLR11: Model procedures for the management of contaminated land (Defra, 2004);

BS10175, The Investigation of Potentially Contaminated Land Sites; The VOCs Handbook. Investigating, assessing and managing risks from inhalation of Volatile Organic Compounds (VOCs) at land affected by contamination (CIRIA 682, 2009); The Environmental Damage (Prevention and Remediation) Regulations 2009; and Building Regulations 1991 under the Building Act 1984.

Previous Site Investigations

Although both the 2001 WSP site investigation and 2011 CARD Geotechnics reports are listed here, it appears that this Chapter refers to information gathered during the 2011 investigation only. As outlined below, issues identified during this 2001 investigation will need to be further investigated.

Geological Conditions

Points 11.49-11.50: Although point 11.48 states that made ground was encountered at the site down to 2.9m bgl, these points do not refer to the particular finding from the 2001 report that deep made ground with a strong hydrocarbon odour was found in the southeast corner in an area where the pavement appeared oil stained.

Table 11-5: This table does not appear to use the 2001 report as a source.

Figure 11-1: This figure does not appear to use the 2001 report as a source as the deepest area of made ground found on the site is not represented here.

Figure 11-2: It would be beneficial to have an overlay of the testing locations from the 2001 report, the 2011 report and the areas where potential sources of pollution have existed at the site.

Contamination Potential:

There are a number of potentially contaminated land uses identified at and near to the site. These sites have been identified by the Council under Part IIA of the Environmental Protection Act 1990 and have been prioritised for further investigation by the Council. Some of these previous uses are covered in this section, but the existence of some potentially contaminative uses such as the use of the southeast corner for the storage of full skips, full dustbin wagons, construction vehicles and the presence of extensive surface staining have not been included. As the Council holds this information, it is suggested that an environmental search is commissioned from the LBHF Environmental Quality team to inform the conceptual site model and further site investigation scheme. Details on commissioning a search may be found here:

http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Pollution/Pollution_control_contaminated_land/145576_Environmental_quality_contaminated_land_enquiries.asp

Also, there is no mention of the Ruins shown on 1950s OS maps in the northwest of the site indicative of bombing during World War II. The Historic Environmental Assessment located in Appendix B of this report states that the site was subject to bomb damage (see 3.324). This comment also refers to Point 11.112 of this chapter.

11.87: This point does not identify at least 2 LAPPC sites located within 200m of the site. This information is held by the Council and may be requested as part of the search mentioned in the last comment.

Potential Sources of On-site Contamination

As all of the potential sources have not been identified and the previous investigations undertaken were not targeted to identify these potential sources, the information presented in this section is not considered complete. Again, no mention of the 2001 report or its findings are outlined here. Elevated contamination was identified in the 2001 report and should be considered.

Ground Gas:

Further ground gas monitoring will be necessary at the site and of the limited non-targeted monitoring thus far undertaken, elevated carbon dioxide was found at over 5% which, according to C665, suggests a CS₂ is required.

Tables:

The tables presented in this chapter will need to be updated to address all potentially contaminated uses past and present. The potential migration of on-site contamination to off-site locations should be considered in the S-P-R pollutant linkage assessment. The sensitive receptors listed in these tables should be presented with more consistency including the consideration of Utilities, Infrastructure, the Built Environment and Areas of Ecological Importance.

Demolition and Construction Mitigation Measures

This section should specifically refer to the excavation planned (i.e. Construction, Demolition and Excavation Mitigation Measures). This section states that further ground gas and groundwater monitoring will be required in the north of the site, however as stated above, further monitoring will be required in areas where

potentially contaminated activities are known to have taken place. As per 11.333, it is expected that this will be addressed with a site investigation scheme to be agreed with the Council. This should be based on a revised preliminary risk assessment which identifies all past uses and the finding of both previous investigations.

Table 11-16

A formatting error has occurred obstructing the first row of this table.

(6) Chapter 11 also identifies some potential impacts, receptors, and mitigation measures, but it is not clear how the assessment of significance has been undertaken prior to implementation of mitigation measures or how the mitigation measure would be effective. Further clarification on these points is required.

It is recommended that you contact either Elizabeth Fonseca or Jim Lightbrown (0208 753 3454 or 0208 753 3378) if you have any questions on the points relating to this chapter.

(7) The potential impacts on water resources during both the demolition/construction and occupation/completion stages of the development should be quantified pre-mitigation.

(8) The combined effects of potential impacts on air quality resulting from the cumulative impacts should be explained in more detail. The cumulative scenarios involve extensive development in the area and it is considered unlikely that impacts on air quality would be minor. The main finding should be presented more clearly.

(9) In addition the policy context has changed slightly since the AQ Assessment was submitted, as the final version of the London Plan 2011 has been issued which states that "Development proposals should:

(a) minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within AQMAs and where development is likely to be used by large numbers of those particularly vulnerable to poor air quality, such as children or older people) such as by design solutions, buffer zones or steps to promote greater use of sustainable transport modes through travel plans;

(b) promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the GLA and London Councils' *'The control of dust and emissions from construction and demolition'*;

(c) be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as AQMAs);

(d) ensure that where provision needs to be made to reduce emissions from a development, this is usually made on-site. Where it can be demonstrated that on-site provision is impractical or inappropriate, and that it is possible to put in place measures having clearly demonstrated equivalent air quality benefits, planning obligations or planning conditions should be used as appropriate to ensure this, whether on a scheme by scheme basis or through joint area-based approaches;

(e) where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations. Permission should only be granted if no adverse air quality impacts from the biomass boiler are identified.

Officers require additional information is required to show how these requirements have been considered.

AQ Assessment Methodology: Although a detailed assessment of road traffic impacts has been included in the AQ Assessment, my understanding is that there is not yet agreement between the developer and H&F on expected changes in traffic flows etc. If the agreed Transport Assessment generates a different traffic data set, then this part of the AQ Assessment will have to be revised to take this into account.

Significance criteria: The EPUK criteria (Development Control: Planning for AQ (2010)) has been used to guide assessment of the significance of potential AQ impacts, whereas the London Councils AQ and Planning Guidance is referenced earlier in the report. The LoCo guidance should also be used and referred to in the discussion of the modelling results.

Baseline/future background conditions: Concerned that some of the assumptions and choice of background monitoring site may not be suitable. E.g. use of Westminster – Horseferry Road site rather than local K&C background site at North Kensington.

Demolition/Construction impacts: Construction traffic is shown to have minimal impacts on overall traffic flows and therefore the potential AQ impact is also small. Site plant emissions are also assessed. However, the assumption of 5 large pieces of plant spread evenly across a 50m x 50m area seems a bit on the low side for such a large development. Unlikely that emissions would be significant, but more supporting information on how this level of activity has been decided on would be useful.

Completed Development Impacts: The assessment may need revising if the traffic data is updated. At the moment, the focus on the operational impacts treats the traffic impacts and energy centre impacts rather separately rather than cumulatively which should be done to help assessment of overall impacts on air quality.

(10) Further clarification is sought in respect of the impact of construction noise, which the ES considers to be negligible. In addition, further explanation regarding the methodology for assessing construction noise and vibration impacts from the cumulative schemes should be provided, along with an assessment of the completed cumulative schemes. The assessment identifies that some receptors would experience noise levels above 70dB (A) and, in some cases, the construction works would lead to a moderate adverse impact. However, the summary of the impact assessment for construction noise is that it would be negligible. This is not considered to be an appropriate overall conclusion, given the potential impact on some receptors during construction would be moderately adverse. Noise associated with Earl's Court exhibition centres are identified as potentially having an impact on the proposed development area. However, the Earl's Court Exhibition Centres are not given any further consideration in the assessment.

(11) Clarification of the assessment potential impacts prior to mitigation on the ecology, including a re-evaluation of the residual impacts needs to be carried out.

(12) In respect to Chapter 6, relating to waste management, the Council wishes to make the following points:

6.6 – 6.10

Reference to the Waste Strategy 2007. Should also acknowledge the Waste Review 2011, which is likely to lead to further legislation in coming years:
<http://www.defra.gov.uk/environment/waste/review/>

Table 6-3

The second column of this table is entitled 'Refuse.' It should actually be titled Weekly Waste Arisings. There should be an extra column titled 'Refuse.' Shown below:

Land use	Weekly waste arisings	Refuse	Recycling
Residential	No. of dwellings x {(volume/bedroom[70 litres] x average number of bedrooms)=30}	50% of weekly arisings	50% of weekly arisings
Gym	100 litres/floor area (m ³)	50% of weekly arisings	50% of weekly arisings
Cafe	75 litres/cover	50% of weekly arisings	50% of weekly arisings

Table 6-4

The Council now only now offer 1280l bins for recycling and 1100l bins for refuse. This needs amending accordingly.

Table 6-5

Commercial Waste row – says “Private Waste Management Companies” but this waste could also be collected by LBHF.

Table 6-7

It is not possible for officers to verify the calculations here, because they are dependent on the number of bedrooms in each flat in each block. If I can be provided with the necessary information officers can check.

Table 6-9

Officers do not understand why 9 days storage and 6 days storage are planned for, for weekly and twice weekly collections respectively. Please can this be clarified? Also, the final column needs updating given my comments about table 6-4.

(13) Baseline energy consumption and CO2 emissions have been calculated for the development if it was built to the minimum requirements of the Building Regulations. You are however requested to provide the actual figures and percentages in relation to the 2010 Building Regulations rather than the 2006 version.

(14) In respect to the Sustainability Statement the broad outlines are considered to be acceptable. However, given that the Code for Sustainable Homes and BREEAM sustainability assessment methods are to be used to guide the implementation of sustainability measures at Seagrave Road, it is recommended that these are submitted to provide details of specific measures to be implemented on site.

Summary

The Council considers that the ES has not assessed 2 main issues arising from the Scoping Report, which are required in order for it to be an environmental statement

for the purposes of the 1999 EIA Regulations in addition to another substantive point relating to the ES which has not been fully assessed. Accordingly, the Council has made a request for further information pursuant to Regulation 19 on 3 points.

This letter also highlights in some circumstances where the potential affects have been under-estimated or not estimated prior to mitigation and, therefore, the resultant residual impacts may not be as negligible as described in many cases. Similarly, the letter identifies other assessments or calculations which should be made to inform the environmental statement. Whilst the Council does not anticipate that the overall conclusions in respect of the main environmental effects are likely to change as a result of rectifying these omissions,, it is considered appropriate for the applicant to review or clarify and confirm the conclusions drawn. Accordingly, the Council has sought these additional pieces of information.

In respect to Chapter 15, Transportation and Access, this has been the subject of separate discussions with both borough officers and Transport for London (TfL) and I understand the Transport Assessment (TA) will be provided with additional information to reflect this.

In addition the Energy Statement states the baseline energy consumption and CO2 emissions have been calculated for the development if it was built to the minimum requirements of the Building Regulations. Officers can confirm the energy and CO2 emissions data is consistent with Building Regs 2010. The Appendix in the Energy Statement provides these figures, although it also states the models need to be revisited and amended once the flat layout drawings are received. Some parts of the development have not been included in the calculations. The Energy Strategy therefore needs to be revised.

With regard to the Sustainability Statement the broad outlines are considered to be acceptable. However, given that the Code for Sustainable Homes and BREEAM sustainability assessment methods are to be used to guide the implementation of sustainability measures at Seagrave Road, it is recommended that these are submitted to provide details of specific measures to be implemented on site.

Should you have any queries regarding the above, please contact the case officer John Sanchez on the above telephone number.

Yours sincerely



John Sanchez
Deputy Team Leader (Earls Court & WK Opportunity Area)
For: Bi-Borough Executive Director of Transport and Technical Services: Nigel Pallace