

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/24/02899	Your Ref:	APP/24/00652
EH Case Officer Extn:	44 6677	Date:	14 January 2025
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/24/00652		
Site Address:	Littlefold Family Resource Centre, Linnet Close, Waterloo, PO8 9UY		
Proposed Development:	Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to 10No. flats (Class C3 dwellinghouses).		

Observations / Comments:

Comments follow review of the following documents;

- Soils Ltd. Preliminary Investigation Report Ref: 2151/PIR rev1.0 (July 2024)
- Soils Ltd. Contamination Investigation Report Ref: 21511/CIR rev1.0 (Aug 2024)

Based upon the information presented within the preliminary report, which reflects the state of knowledge of the Council in respect of this site at the time it was written, I would likely not have supported the recommendation for the undertaking of the (Phase 2-) Contamination Investigation Report. This is principally due to the general lack of contaminating landuses represented within the site history.

The Phase 2 report does however identify one sample from made soils in which elevated concentrations of Zn, As & Pb are identified, with the latter determinands being found at concentrations in excess of 200% of the generic assessment criteria (GAC) for a sensitive residential exposure scenario.

Whilst the exposure scenario selected is arguably conservative for the proposed development, it is noted that the arrangement of dwellings does not preclude occupancy by small or single parent families.

I have sought to understand some inconsistencies in the information included in the preliminary report and the available historic mapping, principally due to the single sample in which GAC exceedances were noted. Additional information was principally drawn from the planning archive.

This search has identified some potential sources of contamination within the site curtilage – arising from informal use of the on-site car parking area for higher risk automotive storage and servicing/repair, alongside the presence of an estimated 7500L gasoil/kerosine tank and associated boiler rooms – present at two locations within the ground floor of the building.

In respect of the latter, the authors were not aware of the historic presence of the (now removed) fuel storage tank from the available desk-based sources, and did not note any evidence of former oil-fired appliances during the walkover (probably as complete removal as a modernisation when the building was still in use).

Unfortunately, this has meant that the physical inspection did not seek to target this feature – however, by chance one trial hole (WS04) was advanced in the near vicinity of the former tank. It's position was offset approximately 5-10m from the feature, perpendicular to the topographic slope (& assumed-hydraulic-gradient). This position was not finished as a well, so has not been included in the gas & vapour monitoring. It is the position from which the elevated metals were noted, although there is not an obvious link between the identified contaminants and a fuel storage/handling feature. It is possible that the depth of made ground could be related to the feature – e.g. resulting from the installation of a buried service (electrical or fuel).

There are no 'red flags' in the available results in respect of fuel contamination, but it is not clear that we would have expected to encounter any related contamination at the location WS04 (or any other trial hole) – some residual uncertainty is unavoidable in the absence of further intrusive exploration/inspection. I'm not certain that this is justified, on the basis of the contextual records from WS04 (e.g. it's position, and the engineer's log), but it is noted that the building is down-topographic-slope. To avoid a decision that is contrary to NPPF'23 para 189, the residual risk will need to be accounted for.

In respect of the other risks identified;

- **UXO:** I would accept the assessment that risks are not materially elevated above 'background' (typical/average), and accordingly, I do not expect any specific actions to be taken to mitigate the remote possibility of UXO/UXB being present that was not disturbed or discovered during the original construction.
- **Asbestos:** The identified risk from asbestos within the building fabric is not considered to be a 'contamination' risk as the material is not associated with soils. All asbestos screening of soils has returned negative results, and engineers logs do not include any notes that could be interpreted as indicative of potential asbestos containing materials (ACM's)
- **Radon:** 1-3% risk area. The report correctly states that new dwellings in this area would not normally be required to implement radon protective measures – however this would normally apply to a new build where it is not possible to determine the site-specific risk. In the case of conversions, the building is extant, which means that a direct radon measurement could be taken to quantify &/or dismiss the risk. I would highlight that the risk is up to 3% of properties within the area *exceeding the health-based exposure threshold*. I.e. material harm to health would be expected to occur in 3% of properties within this area (1x1km grid square assessment area). I would suggest that this could be disregarded as a material planning (contamination) matter on the basis of NPPF'23 para's 194, and Building Control Document C (Resistance to Contaminants & Moisture). I would however recommend that the applicant consider radon measurements within the building to determine need, in the interests of managing the related liability referred to within NPPF '23 para 190.
- **Elevated CLEA Metals in Made Ground:** There is no consistency between descriptions of made soils, and it is not clear that the sample from the upper deposit of made soils within WS04 is likely to be representative of the (distinct) deeper deposit. Made soils are absent from areas of soft landscaping, and therefore likely represent engineered ground improvement rather than any general/generic fill (or land raising etc.). Given this, it is not reasonable to assume that the typical character of site soils (at CLEA-relevant depths, within a relevant averaging area-) is

likely to exceed the respective GAC. Given the nature level of construction activity required to deliver the proposed development, I am reasonably comfortable to dismiss this risk without requirement for specific remedial or risk-mitigation works.

The residual uncertainty in respect of (potential, undiscovered-) fuel contamination is in respect of the risks of vapour intrusion-, and/or permeation of polymer-based water supply pipelines by kerosine-range hydrocarbons. The reports provide no indication of gross contamination – only trace hydrocarbons have been identified, and only in locations some distance from the fuel storage tank feature. However, given the broadly assumed migration directions, the potential for preferential migration via service trenches (possibly to specific locations within the building, namely the former boiler room locations-), and the positions of gas & vapour monitoring wells remote from the principal contamination risk area; there is potential for contamination to be present that has not been intercepted or otherwise identified by the intrusive investigation (or subsequent monitoring).

The development proposals will include construction of the bin & cycle stores within the vicinity of the principal contamination-risk area, and a reasonable conceptual SPT model would anticipate vertical migration from surface spillage/leakage, and therefore evidence at relatively shallow depth.

On this basis, I would consider there to be a reasonable prospect of identifying any material/significant soil contamination by visual & olfactory means, and on balance it is probably sufficient to address this residual risk by means of a compliance condition which formalises the notes at 7.3 & 4.14 (preliminary & phase 2 reports, respectively), as an actionable and enforceable provision.

Accordingly, no objections arise subject to the following condition being included on any positive determination made;

Condition [X]: Contamination Watching Brief (Bespoke)

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork, service installation, and any work involving access to wall cavities or voids/soils below ground floor level. In the event that any suspected contamination (stained soils or fuel/solvent odour); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and a scheme to deal with the risks associated with the suspected contamination has been submitted to- and approved in writing by- the Local Planning Authority.

The scheme may take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) Where potentially unacceptable risks are identified by 2), a Remediation / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken & recorded by competent persons, and the findings presented in a written format. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A) *A written statement confirming that no suspected contamination was identified during development, OR;*
- B) *Documentation in accordance with 1) & 2) above; together with a Verification Report (where appropriate) which demonstrates that the agreed remediation objectives (3)) have been met.*

Reason: *Site investigation has not ruled out the possibility of discrete deposits of fuel contamination associated with the building's former heating systems. Such a deposit could pose a risk to future occupiers of ground-floor units, &/or to the local water environment. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 189 & 190 of the National Planning Policy Framework 2023."*

Mr. Jonathan Driver
Environmental Control Officer