

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/00215	Your Ref:	APP/22/01194
EH Case Officer Extn:	44 6677	Date:	14 April 2023
DC Case Officer:	Mr J Toole		
DC Case Officer Extn:	446284		
Application Number:	APP/22/01194		
Site Address:	27 Emsworth Road, Havant, PO9 2SN		
Proposed Development:	Erection of 1No two-storey building comprising 2No studio apartments (Use Class C3) with associated hard landscaping.		

Observations / Comments:

Air Quality Relevant Features (Parking, Sustainable & Active Travel)

I consider that the nil quantum of development parking may be supported on air quality grounds, based upon the distance to transport hubs for sustainable modes of travel (bus & rail) being <900m. The range of retail & leisure services available within walking distance also supports.

It is noted that a previous reason for refusal was 'inadequate provision for cycle parking'. In this respect, I would question the adequacy of an internal wall-mounted rack for the 1st floor unit. Whilst I note that the length of the landing is just adequate to allow the access door to be closed and secured without the cycle needing to rest upon stair 12, the stairs still represent an awkward obstacle to negotiate with a cycle. This is especially so as the stairs contain a 90 degree turn.

This makes it likely that related damage will occur (pedals & bars catching on corners, tyre marks on walls etc.), and given the intended tenure, the tenant of the 1st floor unit is not unlikely to be at greater risk of deposit being taken to undertake remedial work.

In order for cycling to be a convenient (and in the absence of a vehicle parking space, the obvious-) choice for journeys outside of the acceptable-walking-distance isopleth, it is considered that externally accessed ground-floor cycle storage should be provided for both units.

I note that whilst there is available undeveloped land which could accommodate such a store, the applicant has not identified any 'blue line' land. It does however seem somewhat unlikely that the/a purchased plot would correspond precisely to the supplied red-line plan (Drawing 22.3361.100). NPPF Para 112 a), and HBC Parking SPD Para's 4.13, 4.14 & 4.16, DM11 2., & DM13 relate, and it is considered that the proposed provision could be material to in-principal acceptability.

Contamination/Land Quality

The site is acknowledged to be brownfield. Prior use is unknown but the form of the development would suggest a commercial use is not considered to be unlikely given; that the form of the building differs from the residential terraces to it's West, that there is a substantial extension shown to the rear, the plot size & arrangement, and that an access to Emsworth road is maintained.

A search of planning records has shown the site to be associated with applications for a petrol retail use, however it would also appear that all related applications were refused. The form of the site would suggest that no such use was implemented, and it is noted that the 1956 application document refers to the transfer of existing petroleum retail facilities nearby (East Street) to this site to mitigate mounting congestion issues. This suggests that existing (small scale) petroleum retail is unlikely to have been associated with this specific site prior to the 1950's applications.

The use is new residential and contaminated land policies do apply. I also note that the ground floor unit includes a private amenity space. The ratio of its depth to the height of the proposed enclosure would however tend to discourage recreational use, and both the height & density of the proposed enclosure, together with the oversailing balcony above-, would tend not to favour any cultivation, particularly for edibles. It is assumed that the space will be hard landscaped, for storage and perhaps to accommodate a bistro set or similar.

The form & intended tenure of the proposed development is also noted, and I would agree that a single parent or young family is not likely to favour studio accommodation (noting that the single bed shown could easily be substituted for a double, either on initial development or subsequently, without it raising any material planning issues).

In consideration of the above, along with the lack of a specifically-identified potentially-contaminating land use, a proportional response would probably be to impose a contamination watching brief as a compliance condition, rather than to require any proactive assessment of soil quality.

Therefore, in the event that the planning service is minded to grant consent for this development I would recommend that the following condition be applied to ensure compliance with policy DM17, and NPPF para's 183-184.

Condition 1 [Contamination Watching Brief]

"Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination (significant made soils, or any obviously contaminated, stained, discoloured or odorous soil/groundwater) or any significant buried waste material is encountered; 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 its 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 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 identified that discrete deposits of contaminating material / contaminated soils may be present at the site which could pose a risk to future occupiers of the site 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 183-185 of the National Planning Policy Framework 2021."*

Mr. Jonathan Driver
Environmental Control Officer