

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/00869	Your Ref:	APP/22/00337
EH Case Officer Extn:	44 6677	Date:	21 April 2023
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/22/00337		
Site Address:	42 North Street, Havant, PO9 1PT		
Proposed Development:	Change of use of the vacant office building to two flats and erection of rear external staircase and secure cycle storage.		

Observations / Comments:

I would like to make some comments & recommendations with respect to ground contamination.

The existing building was constructed on previously undeveloped land at some point between 1867 & 1897 – a period which saw a substantial development in the area, including a number of commercial uses along Waterloo Road, adjacent to the Railway sidings. The specific use that the undeveloped land was put to is unknown; rail goods handling seems to have been initially concentrated to the North of the railway, albeit that expansion to the South did occur, and the South hosted a number of outlets and markets for goods carried by rail, giving rise to the possibility that this land may have been used for an associated purpose.

Whilst there are few specifically known potentially contaminating former landuses in the immediate vicinity of this development, other site investigations in the historic town centre have identified unacceptably elevated concentrations of polyaromatics, hydrocarbons, and heavy metals.

Contaminated land policies (both local, DM10 & DM17, and national – NPPF 2021 para's 183-185) do apply to material changes of use where the risk profile of the land will change as a result of the development. With reference to the minimum policy requirement under NPPF 183 b), it is also material to note that the probability of contaminants in soil being capable of making land determinable as contaminated land within the meaning of Part IIA of the EPA 1990 increases as the relevant averaging area (size of plot) becomes smaller.

Whilst it may seem disproportionate, this does nevertheless mean that it is necessary to confirm that the soils within the private amenity space are suitable for a residential landuse. Given the general C3 use being sought, this is material to the suitability of the land for the development, and an objection would be sustained in the absence of this assurance.

For this reason, I would recommend that any consent awarded be subject to the following conditions;

Condition 1 - Contamination (Standard – omitting EDS)

“Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.*
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;*
 - appropriately considered remedial objectives,*
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;*
 - clearly defined proposals for mitigation of the identified risks.*
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

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

Reason: *To ensure that the development is not put at unacceptable risk from 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 2021. Contamination that could pose a risk to future occupants may be present a result of historic land use (&/or activity) at- or in the vicinity of- the development land."*

Condition 2 - Verification (omitting long-term monitoring)

*“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 is not put at unacceptable risk from 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 2021. Contamination that could pose a risk to future occupants may be present a result of historic land use (&/or activity) at- or in the vicinity of- the development land."*

I would also recommend that the following informative be applied in order to steer the scope of investigation envisaged by condition 1;

Informative 1 – Guide to scope of required Site Investigation

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does

not necessarily transfer to subsequent owners of land. Conditions numbered [1] & [2] have been imposed in response to contamination risks which exist at the site in connection it's prior (uncertain) commercial tenure, within the context of the contamination profile of adjacent land. Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with low mobility. Relevant exposure pathways associated with exposure to the solid contaminants are therefore associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that the proactive investigation within the footprint of the existing structure is necessary in the first instance. It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown-source of contamination which is likely to be mobile (not thought to be likely). It is expected that a physical site investigation limited to a maximum of 1m depth (below existing ground levels) will prove to be sufficient to characterise the risks posed to future occupants. A minimum of 2, and maximum of 4 no. trail holes should be sufficient to screen the site for contamination risk. Given the purpose of the assessment (confirm suitability), the Council will accept appropriately prepared representative composite samples if preferred – this may help to reduce the cost of sampling analysis. The Council expects the sampling suite to include CLEA metals, PAH16 and an asbestos screen at a minimum. It should also be noted that sites within have noted visual and olfactory evidence of petroleum contamination, so petrol/solvent vapours could become apparent during the investigation, or development. The Council expects the risk assessment required at condition [1] part 2) to include a 'contamination watching brief' which provides for reasonable vigilance for the presence of such contaminants, alongside appropriate actions in the event of discovery"

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

There is support for nil-quantum of parking at this site on air quality grounds, given the proximity of to transport hubs for sustainable modes of travel (bus & rail). The range of retail & leisure services available within walking distance also supports.

I would also express support for the proposed cycle parking, which is conveniently located adjacent to the rear access, making cycling a convenient and obvious choice for local journeys outside the walking distance isopleth.

Air Quality (Exposure of Future Occupants)

Ambient air quality is thought to be within statutory limits at this location with reasonable contingency. No objections arise.

Mr. Jonathan Driver
Environmental Control Officer