

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/23/02440	Your Ref:	APP/23/00377
EH Case Officer Extn:	44 6677	Date:	10 August 2023
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/23/00377		
Site Address:	25 Mengham Road, Hayling Island, PO119BG		
Proposed Development:	Conversion and partial demolition of existing bakery and offices to 4 No. self-contained flats comprising 1No. 3 bed, 1No. 2 bed & 2No. 1 bed with associated parking and cycle storage.		

Observations / Comments:

Environmental Health has previously reviewed the ground contamination risk at these properties under pre-application enquiry GEN/18/00214. Those comments remain valid to the current application, which is substantially similar in nature (being ground-floor residential with private amenity gardens). Appended for completeness.

In line with those comments, where Development Management is minded to grant consent for these proposals, I offer no objections subject to the imposition of the following pre-application & compliance conditions;

Contamination (Standard – omitting EDS) [1]

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 future occupants of the development are not put at unacceptable risk from 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 may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"

Verification (Standard) [2]

*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. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that future occupants of the development are not put at unacceptable risk from 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 may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"

For the benefit of the applicant, the need for an environmental desk study has been omitted as the risk drivers for this site have already been identified, and are fairly clear. It is not considered likely that additional desk-based research would add substantial value to by steering the intrusive investigation, and similarly unlikely that the Council would accept desk-based research which concludes that intrusive works are unnecessary. The omission from the condition requirements is for the benefit of the applicant, and where the applicant chooses to commission & submit such a study, the Council will take account of it's content in connection with the above-proposed conditions.

It is not the Council's role to dictate the scope of a site investigation, however it is sometimes helpful to outline a scope which would address the principle concerns. Those concerns relate principally to the existence of fuel-derived hydrocarbons (from retail sale of petrol, diesel, and kerosine & lamp oil), but would also include some metals used as fuel additives (Lead), and contaminants associated with the service & repair of vehicles (lubricant-derived hydrocarbons, metals used in decorative & anti-corrosion finishes, solvents). Contaminants may be present in soils, groundwater, or may be detectable as either gas or vapour. The presence of existing structures at the site are a complication, and will hamper access to the site for investigative work.

In order to provide sufficient surety, given the above-referenced context, it is recommended

that the intrusive site investigation include;

- the advancement of a minimum of 3 window-sample-probes (or windowless sample cores) to depths at least sufficient to reach local groundwater (anticipated to be encountered at less than 2m depth)
- collection of groundwater samples from a minimum of two different locations
- routine screening of trial holes (or recovered soil cores-) using a photo-ionisation detector (PID, as an indication of the presence of total volatile hydrocarbons).
- routine sampling of soils for CLEA metals, TPH-CWG, PAH(16) & Asbestos presence (screen).
- scheduling of at least one soil sample for BTEX, MTBE (in addition to above)
- routine sampling of groundwater for TPH-CWG & BTEX. Dissolved-phase metals should be included if groundwater is encountered within 1m of current ground levels.
- Ideally (as best practice) at least one sample of groundwater scheduled for VOC analysis.

The council will not insist upon the advancement of trial holes within the building footprint in the first instance, but the above recommendations are designed to allow inferences to be made as to whether contaminants are likely to be present within the footprint of the buildings, and to gauge the likely level of risk. Where results are significantly adverse, additional intrusive works (which may include holes within the footprint of buildings-) could be required. Completing some or all trial holes as wells might aid in minimising the extent of further intrusive works by allowing the vapours, gasses and groundwater to be monitored from the original trial holes.

An investigation that omits or falls short of 'minimum' requirements should provide a robust justification for doing so. The Council may reject as inadequate any report that does not adequately consider the sources, contaminants, and pathways which comprise the anticipated risk drivers for the development.

Whilst I would not anticipate levels of contamination which are likely to be so difficult to remediate or mitigate so as to make the development uneconomic; I would nevertheless draw your attention to the final paragraph of the appended.

Policy does dictate the new development be demonstrated to be suitable for use (NPPF 2021 para 183 c)), so the imposition of conditions to assess contamination risks is unavoidable. If the applicant raises substantial objection to the recommended conditions, in the context of the suggested scope of investigation; then I would recommend that the applicant consider withdrawing the application, or Development Management consider refusal.

Otherwise, the principle of development is supported.

Mr. Jonathan Driver
Environmental Control Officer

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM
[as appendix to APP/23/00377]

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/01160	Your Ref:	GEN/18/00214
EH Case Officer Extn:	44 6677	Date:	03 July 2018
DC Case Officer:	David Eaves		
DC Case Officer Extn:	44 6549		
Application Number:	GEN/18/00214		
Site Address:	25 Mengham Road, Hayling Island, PO11 9BG		
Proposed Development:	Conversion of existing commercial two-storey building into 4 no. dwellings with associated parking, waste and cycle storage. I attach a copy of the above application that has been received under the Town and Country Planning Acts. Any views you should wish to make should be returned to me no later than 10/07/2018.		

Observations / Comments:

I have reviewed the submitted plans, alongside the planning history and available spatial records.

I note that the applicant did not request that the views of internal consultees be sought, and I am unclear why (given this) Environmental Health was consulted. This notwithstanding, having reviewed the proposal, I have identified matters material to the proposal, which are worth highlighting.

Site History:

Mapping shows a 'Garage' marked in vicinity of no. 25 on OS map issues dated 1970 & 1982. It was unclear whether this represented a service & repair facility, or retail sale of fuels - so a search was undertaken of the planning archive.

Planning history is fairly scant (possibly indicating initial development prior to the enactment of the T&CP 1932, or at least prior to 1948 when H&W UDC Planning records became more reliable.

A building was first shown at site of no. 23 Mengham Road on the 1934 map issue. No corresponding planning record has been found relating to this apparently original structure, or the subsequent redevelopment at no. 23. However, an ADVT application dated Jan 1966 indicates that the site was used for retail sale of petrol from a date prior to the application; trading as 'Grady's Garage' as an Esso Petroleum Co. Ltd. outlet (or franchise).

Given the siting of a small building at this site prior to 1934, there is potential for petroleum /

kerosene / spirit retail sale predating the 1934 map issue. Below ground storage tanks, and poor environmental practice are not uncommonly associated with such small petroleum retail outlets, and as such this landuse is considered to represent a contamination risk.

Retail prems at 25-29 Mengham pre-date 1951, as 1951 this is the earliest application found relating to these buildings, and the application description refers to alterations to an existing off-licence at no. 29. No. 27 appears to have been a Butchers shop, and 25 a Bakery. In all cases, the earliest applications found refer to alterations to-, or signage for- existing shops, indicating that retail sale was the purpose of the buildings originally constructed (though residential units were apparently associated with 1st floor).

No. 23 was either redeveloped at the same time as-, or prior to-, the construction of no's 25-29, being shown more or less as existing on the map issue where buildings at 25-29 are first shown.

Contamination Risk

As indicated above, there is a risk of multiple below ground fuel storage tanks immediately adjacent to the application site - with the potential that these remain in situ, and a likelihood that if present, they would have been of steel construction and susceptible to corrosion & leakage. dispensing and handling of fuels also represents a risk from accumulated surface spillages.

Plans for no. 25 & 27 show soakaway drainage to the rear, which could serve as a driver for migration of contaminants from the point of release, or indeed as a sump (where product might accumulate) - that a soakaway was proposed indicates that soils are likely to be permeable, and may have a granular unsaturated zone (risk that an open pathway may exist for volatiles).

Ground floor residential use is considered to be sensitive to contamination, whether or not any private garden areas are proposed, and it would appear that the draft plans do provision for a private yard or garden area to one unit. The definition of Contaminated Land under Part 2A of the EPA 1990 is sensitive to scale, and where both a source exists and the averaging area relevant to exposure is small, the site is more likely to be determinable as Contaminated Land.

There is a risk of elevated Lead, broad spectrum petroleum hydrocarbons, aromatic hydrocarbons and solvents being present within soils adjacent or under no.25. On this basis, I would conclude that the ground floor of the property is not suitable for residential conversion without confirming soils are suitable for use.

Environmental Health would seek to ensure that contamination is appropriately considered, and if necessary remediated, as a condition of any development consent granted for a contamination sensitive landuse at this site. In the absence of such a condition, the recommendation would be for refusal.

Given the relatively small quantum, and the extant structure at the site, I would highlight that the viability / deliverability of the development could be questionable, and this is a key component of the 'rationality' of decision-making. In this respect, the applicant may wish to address this uncertainty prior to making a formal application, either through the undertaking of a preliminary intrusive ground investigation in accessible areas of the site in order to assess the likely severity of impact, or through the costing of a comprehensive risk mitigation scheme which assumes the risk exists. Having such information available at the time of the application (or submitting proposals adhering to a precautionary principle) will facilitate a rational planning determination.

Mr. Jonathan Driver
Environmental Control Officer