

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/02154	Your Ref:	APP/19/00950
EH Case Officer Extn:	44 6677	Date:	11 November 2019
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/19/00950		
Site Address:	Garage blocks, Willowdene Close, Havant, PO9		
Proposed Development:	Proposed change of use and conversion and extension of existing garage block A to create 1No. 3 bedroom detached dwelling with associated car parking and bike and bin storage, reconfiguration of existing vehicular access, new gate and boundary wall, and associated works to garage block B.		

Observations / Comments:

I have reviewed the local context to the application land, and note that it lies adjacent to a commercial car sales premises, which was formerly a petrol filling station (consented on appeal in 1956).

I have looked out an 'as built' plan, obtained from a 1982 planning application 'site survey', which identifies 3 no. 750 gallon diesel tanks and distribution pipework at the boundary of the site adjacent to the development land, alongside a septic tank, oil store, and separate Gasoil tank. 2 no. diesel pumps were located within 5m of the boundary to the development land, and a 1977 application indicates that the 7no. store rooms identified on that plan changed use from 'lock up garages' to uses 'ancillary to petrol filling station' including 'servicing and spares'.

The above boundary features are in addition to the 9,000 gallon below ground storage capacity present from ~1957, and the additional 12,000 gallon capacity consented in 1982; all within 20m of the site boundary.

A former watercourse bisects the site, and it is clear that some drainage infrastructure is present adjacent to the boundary between the development land and the former petrol filling station - either feature could influence the mobility and distribution of contaminants.

1957 Mapping indicates an embankment to the east which is somewhat artificial in appearance, and the land is marked with wetland vegetation. This is considered to represent a risk of pre-Control of Pollution Act ground-improvement associated with the development of the existing structures, and so to represent a made ground risk factor on site. given the construction date, Construction and Demolition wastes (often used for such purposes) typically contain coal / clinker / ash, tars / bituminous materials, creosote / coal tar treated timber, lead oxides (inc. from paint, tetroxide & carbonate) and asbestos. This could be significant for the creation of garden areas at the site.

Recommendations

Given the number of potential sources located essentially adjacent to the development land it is not reasonable to permit a change of use from a low risk classification (vehicle storage) to a high-risk classification (C3 dwelling of 'family' type, with private garden), without first addressing the contamination risk.

The unknown status of soil quality at the subject site or at/on adjacent land means that there is considerable uncertainty as to the degree of impact that the potential contamination may have on the proposed development. The impact could range from 'negligible' to 'substantial', especially as the proposal is a conversion which aims to utilise the existing structure - limiting access for groundworks, and constraining both remedial and risk mitigation options.

In light of this, it may be necessary for the Council to require some factual information about soil quality in order to support a rational positive determination on an application which is both more contamination-sensitive, and has limited quantum.

Information required to support a positive determination is considered to include *both* a phase 1 desk-based assessment, *and* a phase 2 intrusive investigation. Requiring only a phase 1 assessment will not resolve the uncertainty - it will likely simply confirm the assessment that physical inspection is necessary.

Considering the above (and the absence of a site assessment in the application documents) I would be minded to recommend that the either current application be refused, or that the applicant be encouraged to withdraw the current application to allow time to undertake the required assessments. Re-application would be appropriate if the results from the Phase 2 assessment suggest either that contamination risks are negligible or that risk mitigation is viable for a development of this scale.

I feel that issuing a consent with a standard contamination conditions suite could leave the Council vulnerable to later challenge on proportionality and rationality grounds in the event of adverse results from post-consent site investigation.

Mr. Jonathan Driver
Environmental Control Officer