

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01524	Your Ref:	APP/19/00659
EH Case Officer Extn:	44 6677	Date:	21 August 2019
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/19/00659		
Site Address:	19 London Road, Widley, Waterlooville, PO7 5AS		
Proposed Development:	Demolition of existing garage/workshop, construction of detached office block for B1 use with associated refuse storage, landscaping and parking, with access off Lily Avenue.		

Observations / Comments:

I have looked over the relatively brief information provided by the applicant, which has not sought to respond to comments made under GEN/19/00100.

Comments below are largely a reproduction of comments made under the 19/00100 consultation, which still applicable.

Contaminated Land (Policy DM10, DM17)

Both the development land, and the site immediately adjacent have been in used for potentially contaminating activities for some years; service and repair use from around 1968, petrol filling station (adjacent) since at least 1952. It is likely that two 'tank farms' are present on the adjacent site, reflecting the pre-1952 layout, and the post redevelopment >1968 layout. It is possible that below fuel tanks may exist within the application red-line area. The planning archive may be informative in this regard (I have not interrogated the archive at this stage).

Below ground fuel storage represents a potential contaminant risk to the development. The current proposals represent an elevated risk (relative to previous proposals) when considering the end-user receptor, but it remains appropriate to consider the proposed development as being of low sensitivity. The development may however require a protected potable supply, given the potential for hydrocarbon contaminants to be present (which can penetrate MDPE, and taint supply - being a very direct mode of exposure).

On-site contamination sources include (leakage from) the traditional brick built 3-stage oil interceptor (within development red-line) alongside local surface spillage from storage and handling of fluids, lubricants, fuels and solvents in connection with vehicle service & repair activity.

In line with the 'development sensitivity' comment above, contamination may not necessarily be likely to be directly significant for the proposal- however it may be relevant to nearby residential receptors (e.g #2 Lily Avenue).

As the proposals is for a comprehensive redevelopment of the site, it would be appropriate to characterise any contamination that may be present with a view to ensuring that on-site sources

are not likely to significantly impact off-site receptors within the lifetime of the completed development.

It may be prudent to characterise the 'within development red-line area' soil conditions, and if contamination is present - to determine its origin. This would set a baseline which addresses uncertainty as to the liability of the developer / owner, e.g. in the event that contamination is present that originates from an off-site source, and which might affect on an off-site receptor. Under this scenario, it may be sufficient to ensure that the development does not prejudice future treatment of contamination passing under the site (which could impact adjacent residential property) in future. The undercroft parking and access road rear of 21-31 London road should ensure that development could proceed, and treatment could be deferred.

It is worth noting that the site is underlain by an outcrop of Bognor sand - a geology which could be conducive to migration of contaminants over considerable distances (so off-site migration is a significant risk in the event that contamination is present).

Engineering constraints may also arise from presence of buried tanks (voids), if present.

It is considered that the application has not provided sufficient information to demonstrate compliance with DM10, DM17 & NPPF Para 178. Given the potential for sources of contamination within and adjacent to the red-line boundary of this development, and in accordance with previous advice - I would only be able to support a positive determination of this application if consent is made subject to suitable conditions requiring the investigation of potential contamination and the mitigation of any unacceptable risks which might be identified through that process. Suggested wording is reproduced below - I have not excluded the desk study element for the simple reason that detailed research / site inspection could provide useful information to steer a phase 2 physical investigation;

Condition 1 (Contamination, Standard)

Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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) A site walk-over survey &/or sufficient desk-based research to identify;*
 - All relevant previous uses of the site,*
 - Potentially significant features and contaminants associated with those uses*
 - Uncertainties relating to previous use or associated potential contaminants*
 - A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;*
 - A summary of potentially unacceptable risks arising from contamination at the site.*
- 2) Site investigation based on (1), 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 all receptors that may be affected, including those off site.*
- 3) The results of an appropriate risk assessment based upon (1) & (2), 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.*

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous & current land uses (&/or activities) within the site, and on adjacent land, that could pose a risk to future occupants of the development or to nearby residences.

Condition 2 (Verification, Standard)

*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: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of previous & current land uses (&/or activities) within the site, and on adjacent land, that could pose a risk to future occupants of the development or to nearby residences.

Drainage

I note that the development proposals do not include any detailed information regarding servicing. I am aware from local knowledge that the adjacent hand car wash business drains via private sewer pipes present within the application red-line area.

Due to the complication of trade use of detergents, draining via surface water drains formerly routed to a petrol interceptor - the forecourt drainage was re-routed to foul, connecting downstream of the interceptor (to avoid detergents interfering with it's function in serving the workshop).

This creates an elevated risk of misconnection, and particular care will be required to both a) maintain appropriate drainage routing for the adjacent business use, and b) to ensure that no misconnections are made to send surface water drainage to foul (contributing to discharges of sewage into Langstone & Chichester harbours during storm conditions), or foul connections to a surface water system (polluting local surface waters, and ultimately discharging to the Langstone Harbour, if pollutants are sufficiently persistent).

Given these complications, it might be prudent to seek to secure an agreed drainage layout as a pre-commencement condition.

Air Quality

I note that the proposal is broadly compliant with parking SPD - cycle parking is compliant, and motor vehicle parking is around 0.4 short. In mitigation for the minor shortfall, the planning

statement refers to overspill on adjacent site, and I note that the site is accessible, and that the business is already engaged in active workplace travel planning.

I view the inclusion of 2 no. EV charging spaces as a positive feature in mitigation of the longer term emissions impact of the development.

I have no objections to this development on local emissions / travel impact / air quality grounds, and see no justifiable reason to seek to impose any restrictions in this regard, nor to seek mitigation measures by use of conditions.

Mr. Jonathan Driver
Environmental Control Officer