

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/01744	Your Ref:	APP/19/00837
EH Case Officer Extn:	44 6677	Date:	13 September 2019
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/19/00837		
Site Address:	59 Langstone Road, Havant, PO9 1RB		
Proposed Development:	Rebuild of fire damaged dwelling.		

Observations / Comments:

I have reviewed the proposals alongside information about the context of the site, the photo album, and construction method statement. I would like to provide a comment on contamination risk.

Contamination: Sources

The property is a listed building of timber clad / timber framed construction which had been present on site prior to the fire for a minimum of 150 years. Arguably the greatest contamination risk at this site is from the historic structure itself, resulting from the preservation and maintenance of the exterior timber & ironwork using traditional oil-based paints.

Lead-based timber would have commonly been based upon form of 'Lead-white', typically comprising Lead Carbonate & Lead Hydroxide. Painted ironwork is likely to contain Lead Dioxide, and the more toxic Lead Tetraoxide (red lead) as corrosion-inhibiting primers, as well as being finished with a decorative coatings with a form of 'lead white' base as for timber.

Over time, lead may leach from finishes as the oil binder degrades, and the repeated maintenance cycles of stripping or abrading and repainting the surfaces will tend to release lead-containing particles which become entrained in soils close to timber structures.

Samples of soils taken in & around former greenhouses have shown levels of lead in soils at multiples of the guideline standards from decorative finishes, and the quantity of timber present in the original structure would make reasonable a conclusion that high concentrations of lead are likely to be present in the vicinity of the structure.

In addition, the photographs clearly show extensive ash within the footprint of the dwelling, which I would assume has been released locally to the vicinity of the structure. From this, it might be expected that surface samples might show elevated PAH compounds.

Contamination: Context

Concentrations of contaminants are expected to be elevated above generic screening values locally to the property.

It is unclear whether the site as a whole could be considered an unacceptable risk on the basis of high concentrations around the house, this may depend on the quality of topsoil within the garden areas away from the house.

It is apparent from the method statement that this is a comprehensive redevelopment, i.e. that the existing structure is to be demolished and replaced with an entirely new structure. The landuse is not changing, but a completely new development is being undertaken.

Were this application a replacement of a structure of similar age & timber construction with a new dwelling, I would consider it entirely reasonable to seek a contamination assessment to confirm that the soil quality is suitable for the more sensitive landuse.

In this case, there is no change of landuse, and the risk profile of the site is only materially altered by the fire, and the associated risk of elevated PAH in shallow soils. This notwithstanding, the risk profile of the completed development is identical in either case (the hypothetical change of use, and the replacement of a C3 dwelling), and that 'completed development' scenario could pose a risk to future occupants - especially as the elevated contaminants are near surface soils close to the dwelling, where occupants are most likely to come into contact with them.

In *principle*, the property could be formally determinable as contaminated land on this basis, and as a new development, paragraphs 178 & 179 of the NPPF (and DM17, DM18) apply. Certainly the Council is not in a position where adequate site investigation information is available to inform a rational planning determination which properly accounts for the risks to future occupants (178 c)).

Contamination: Recommendations

My recommendation would be to seek to secure a limited (shallow) site investigation which includes a sample-set of sufficient size to objectively characterise risks at the site (i.e. not 100% targeted investigation), with sample suites including CLEA Metals and PAH (EPA 16) as a minimum.

I would recommend that this be secured by means of the standard suite of contamination conditions, excluding the requirement for a desk study. This approach would allow (if the applicant wished) a precautionary scheme of mitigation to be adopted as an alternative to quantifying risks.

The costs of such an approach are not anticipated to be so great as to threaten deliverability of the development, and so it is considered to be appropriate to use planning conditions (as opposed to requiring sufficient information to support a positive determination of the application).

The reasonableness of imposing such conditions on a site which already has C3 use is a planning judgement which I would not presume to take a judgement on. I will only go so far as to say that under any other circumstances these risks would justify the recommended approach, and in pure public health / risk terms, (given the source risk and the sensitivity of the proposed landuse) I see no reason to take a different view on the likelihood of harm.

If the planning service agree that the use of conditions is appropriate, please contact me and I will provide suitable wording & an appropriate informative to ensure that clarity on the intended scope of investigation in order to ensure that the conditions are as proportionate in practice as would be intended.

Mr. Jonathan Driver
Environmental Control Officer