

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/19/00578	Your Ref:	APP/19/00206
EH Case Officer Extn:	44 6677	Date:	12 April 2019
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/19/00206		
Site Address:	Site of Monlas, Northwood Lane, Hayling Island		
Proposed Development:	Change of use from agricultural building to 2No. dwelling houses subject to prior approval.		
	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 23/04/2019.		

Observations / Comments:

I have reviewed the information submitted in support of this application, alongside some readily available spatial resources.

I note the mis-match in land areas referenced at 1.3 & 3.3 of the planning statement, differing by an acre (reported as whole acres, so possibly heavily rounded area estimates). Both 1.3, and 3.3 refer to 'holding', but only the smaller area referenced at 3.3 explicitly refers to an agricultural holding (as opposed to the possible meaning at 1.3 of 'land holding'). This disparity means that the applicant hasn't made clear that the building for conversion is on land which currently has an agricultural land use classification. This is a planning point, but possibly one worth bottoming out.

Contamination

It is acknowledged that the applicant is not aware of any specific potentially contaminating land use associated with the loose boxes. It is stated however that a recent use of an adjacent open area is the storage of agricultural machinery, and it is not unlikely that the building itself could have been used for storage and maintenance of the same throughout it's recent history.

A building appears to have been present at the site since <1879, and it is possible that an original structure may have been demolished & rebuilt in the 1930's (corresponding to the stated construction date). Phases of redevelopment always represent a risk of local made ground being present which contains waste materials.

Contamination is often associated with working agricultural yard complexes, with various potential sources of contamination linked to farming uses. I am not aware of any such premises developed within the Borough that have not been affected by contamination to some degree, with relatively common contaminants comprising metals, fuels, and PAH. Arsenic & Copper might also be expected in association with sheep farming and the operation of commercial orchards (as would appear to be the case here), where storage buildings may represent a particular risk of elevated concentrations as a result of cumulative local spillages in storage &

handling areas. Timber buildings may also be associated with elevated contaminants associated with wood preservatives and treatments - coal tar & creosote related treatments, and lead and zinc based paints (with other metallic pigments, such as chromium & arsenic). Lead tetroxide might also be associated with leaching from traditional paints used to protect ferrous metals from corrosion (e.g. farm machinery stored in the open).

Farm complexes tend to be particularly at risk from contaminants present within shallow made ground, due to the need to cost-effectively stabilise relatively large yard areas in the vicinity of buildings for year round use. This is often achieved through use of waste materials, and often occurs in various phases as the need arises, or for maintenance purposes; meaning the material used can be quite variable.

It is not clear whether the applicant intends to allocate private amenity space to the dwellings, but it appears that class Q would allow this. Contamination of near surface soils within amenity spaces is potentially the greatest health risk, but a health risk would exist even where land is not allocated, through the inhalation, ingestion, and direct contact with dust that has been generated from soils on immediately adjacent land - whether exposed outside, or within the properties via track-back. In this way, land outside the curtilage may contribute to the risk to contamination sensitive future occupants, albeit that a different risk threshold may apply to average concentrations, depending upon the land use allocation/classification.

Ideally, the applicant should make clear what residential curtilage is to apply to the properties. This will assist in framing risk judgements.

Conclusions

It is not considered that conversion of any agricultural building type is sufficiently low risk as to not require confirmation of soil quality to provide surety that future occupants are not to be placed at an unacceptable risk of harm from contaminants.

Notwithstanding the above question over whether class Q applies, it is considered that prior approval is required for this development, and should be granted subject to the following conditions & informative;

Contamination [1]

Prior to the commencement of development hereby approved (other than site clearance, partial demolition and consequential works for the purpose of ensuring structural stability of retained buildings), 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 in the Remediation Strategy (2) are complete, to include consideration of 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], and para 178 of the NPPF 2019; Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

Verification [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 &/or that the integrity of risk mitigation measures is adequate.

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], and para 178 of the NPPF 2019; Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

Informative (Bespoke) [A]

*The investigation referred to in **condition [1]** need (for these purposes) only be of such scope as to address risks to future residential occupants of the consented new dwellings. It is anticipated that the depth of investigations may be limited to 1.0m below existing ground levels, or the maximum extent of made soils encountered (if deeper). The focus should be the characterisation of topsoils and made soils at the site, including those within the footprint of the existing building. Contaminants of concern are considered to be PAH congeners, Metals & Arsenic, Asbestos containing materials (ACM), and hydrocarbon species. For the latter, a screen may be acceptable initially, with speciated TPH CWG necessary only on receipt of adverse screening results. PID screening of soils for total VOC may be beneficial for assessment of vapour pathways. Sampling of soils for VOC may be necessary if initial investigations identify the probable presence of coal-tar or creosote, or if PID results are significantly elevated. Spatial coverage should ideally address soft-landscaped soils in the immediate vicinity of the building, whether or not deemed to comprise land changing use under class Q. It should be noted that the hydrogeological setting of this site is potentially sensitive, and the presence of contaminants may affect the degree of risk posed by use of infiltration drainage features.*

Requirements have been pared-back in response to the nature & scale of the application, and to the context of the plot. An 'unexpected contamination' condition has been omitted due to the scale of the site & the nature of the development – it is considered unlikely that significant unexpected contamination (that would be readily identifiable by visual or olfactory means) could be present that would not be identified by the required intrusive investigation, assuming that the scope of assessment & sampling density is appropriate .

Subject to the inclusion of the above conditions on the approval, I have no objections.

Mr. Jonathan Driver
Environmental Control Officer