

Recommendation:

This prior notification application can be considered under Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 as amended, and as such there are no specific policy constraints on the development other than the National Planning Policy Framework 2012.

5 **Statutory and Non Statutory Consultations**

Community Infrastructure, Planning Policy & Urban Design

CIL Team will be required to issue a 'no liability?' letter if prior approval granted.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms, in this case 1 dwelling with 3 bedrooms. As this is a prior approval we would strongly encourage the applicant to submit a completed unilateral undertaking accompanied by the appropriate fee. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>

Environmental Health Manager, Community Group

Recommend informatives have been added to the planning permission with regard to hours of working, bonfires, dust control and light pollution.

Contamination

I am mindful that the site was developed for residential use in the early 1950's, on a predominantly undeveloped site, and that the applicant proposes to retain a substantial portion of the existing hard standing. I am also mindful however that the planning system must consider the consented use, and not simply the site configuration presently shown.

There are risks at the site which would likely not be significant under a commercial landuse scenario, but (if realised) could in principle lead to the determination of the site as Part 2A contaminated land following a change of use. Assessment of contaminated land is sensitive to averaging area, and where a source is present within a small relevant exposure area (e.g. small private garden, used for veg growing or children's play) increases the degree of exposure relative to the same source in a much larger area (where the majority of soil may be clean).

Given;

- i) the increased sensitivity represented by the proposed landuse,
- ii) the confirmed unsuitability of soils on the adjacent site for private residential gardens,
- iii) the deepest identified made ground at the adjacent site being at the boundary of #2 Portland Rd (unproven depth, unknown reason / association), and
- iv) the number of potential sources of mobile contamination in the vicinity

I must conclude that contamination is a material planning consideration, and that it is both reasonable & necessary to require confirmation that soils at the site are suitable for garden areas.

It is considered that prior approval is required, and should be made conditional on the completion of a proportionate site investigation, and execution of remedial measures which that assessment identifies as being necessary. Suggested wording overleaf.

Highways Engineer, Development Engineer

Portland Road is not adopted therefore the applications red line should include the part of Portland Road that gives access to Hambledon Road which is adopted. *Note: this is not relevant for this type of application. The highways engineer has no further comment or objection to the scheme.*

Natural England Government Team

No comments received

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 26

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 **Planning Considerations**

7.1 The change of use of the premises proposed is the subject of recent changes to the General Permitted Development Order (GPDO) which have given a general permitted development right for such changes to take place with only a 'prior approval' process to go through. Consequently the principle of the change of use is considered acceptable. Having regard to the relevant conditions of the GPDO it is considered that the main issues arising from this application are:

- (i) Transport and highways impacts of development
- (ii) Contamination risk on the site
- (iii) Flooding risks on the site
- (iv) Impacts of noise from commercial premises on the intended occupiers of the development
- (v) Other matters

(i) Transport and highways impacts of development

The site lies within a cul-de-sac within the town centre. The submitted plans show the provision of three parking spaces will be available within the curtilage of the property. This complies with the Havant Borough Residential Parking Standards, which require a minimum of 2 car parking spaces be available within the curtilage for a 3 bedroom property. The Highways Engineer has raised no concerns with regard to the impact on the highway or transport issues.

(ii) Contamination risk on the site

The submitted Planning Statement has stated that "there are no known contamination risks associated with changing the use of the premises from offices to residential", however The Havant Borough Council Environmental Control Officer has identified that residential use represents increased sensitivity, and different exposure pathways must be considered. A previous site investigation has been carried out at 9-11 St Georges Walk, which is close to the site the subject of this application. This investigation identified that arsenic and lead exceeded residential assessment criteria *en masse*, and the soils were therefore deemed unsuitable for private garden areas. Given the close proximity to this previously assessed area, coupled with the lack of contamination investigation carried out as part of this application, it is recommended that prior approval is required, and conditions are to be attached to ensure that a proportionate site investigation be completed, and execution of remedial measures which that assessment identifies as being necessary. In conclusion on this matter

subject to the relevant conditions it is considered that the contamination issues can be controlled through conditions.

(iii) Flooding risks on the site

The site is not within either Flood Zones 2 or 3 and as such there are no flood risks concerns associated with the proposal.

(iv) Impacts of noise from commercial premises on the intended occupiers of the development

The site is located with the commercial setting of WaterlooVille Town Centre and is surrounded by offices, retail and other residential properties. On this basis, it is not considered that there are any noise concerns associated with the surroundings which will prejudice the amenity of the future occupiers of the development.

(v) Other matters

Under the Habitat Regulations the proposal results in a new dwelling, for which avoidance and mitigation measures must be secured to protect the habitats and species of the Borough's European sites. To comply with these regulations the applicant is required to make a financial contribution towards the Solent Mitigation Project before development commences.

In this case, the applicant has paid the relevant contribution of £688.85 (which includes the financial contribution of £637 for a three bedroom dwelling, an administration fee of £20 and a monitoring fee of £31.85) and submitted a signed copy of the Payment Form/Deed. The requirement of the Habitat Regulations have therefore been met.

8 Conclusion

The proposed change of use is supported by the current GPDO and the NPPF, and there are considered to be no adverse impacts relating to flooding, transport, contamination or noise arising from the proposal. Prior Approval is therefore required and granted subject to relevant conditions regarding contamination.

9 RECOMMENDATION:

That the Head of Planning be authorised to for application APP/18/00500 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Planning statement
Block plan - 18a_001 02 (rev a)
Existing and proposed site layout plan - 18a_001 03 (rev a)
Existing floor plans - 18a_001 04 (rev a)
Proposed floor plans - 18a_001 05 (rev a)
Existing and proposed front elevations - 18a_001 06
Existing and proposed rear elevations - 18a_001 08
Existing and proposed side elevations - 18a_001 07
Reason: - To ensure provision of a satisfactory development.
- 3 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 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], DM17 of the Havant Borough Local Plan (Allocations) [2014], & the NPPF 2012; Contamination may be present at the site as a result of both previous land uses (&/or activities) at site and on adjacent land that could pose an unacceptable risk to future residential occupants."
- 4 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], DM17 of the Havant Borough Local Plan (Allocations) [2014], & the NPPF 2012; Contamination may be present at the site as a result of both previous land uses (&/or activities) at site and on adjacent land that could pose an unacceptable risk to future residential occupants.”