

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/01079	Your Ref:	APP/18/00500
EH Case Officer Extn:	44 6677	Date:	26 June 2018
DC Case Officer:	Karen Gooden		
DC Case Officer Extn:	44 6514		
Application Number:	APP/18/00500		
Site Address:	2 Portland Road, Waterloooville, PO7 7TN		
Proposed Development:	Prior notification for change of use from class B1(a) office use to C3 residential use subject to prior approval covering flooding, highways and transport issues and contamination.		

Observations / Comments:

I have reviewed the application documents, alongside relevant records from the planning archive, available spatial records, and site investigation documents relating to sites in the immediate vicinity.

It is acknowledged that the applicant is not aware of any issues at the site with contamination / soil quality - and indeed for a commercial use, there may well be none. Residential use however represents increased sensitivity, and different exposure pathways must be considered.

Site History, and features relevant to contamination risk

- 1879; site shown to be accessed from Swiss Rd, laid out in plots, possibly allotments, Brick Yd. shown adjacent (thought to represent brick a manufacturing [combustion] process).
- 1897; wells / pumps shown (indicating mobile GW), site shown apparently associated with a (probable) dwelling on Portland Rd.
- 1909-1934; site shown segregated from dwelling on Portland Rd., with a small structure present roughly central to the site. No apparent association with adjacent premises - use / association unknown.
- 1953, property at no. 2 Portland Rd constructed at this time, likely under consent no. HWU/1310 (1951), though application documents do not appear to be available in the archive (to confirm, and confirm prior site layout)
- HWU/5268 (1958) shows Builders Yard Workshops existing adjacent to the boundary with #2 prior to the application date, and proposals to replace with new structure. Property at #2 shown named "Wyndlass"
- Over the period 1879-2000, potentially contaminating landuses located within 100m of the site include the following: Motor works (Manufacture), Garage (Service & Repair), Laundry (type unknown, dry cleaning could represents a significant risk), Builders Yard (2 no., 1 adjacent), Mortuary (adj.), Brick Mfr.(adj), Ground Raising, Police Station (risk of fuel storage & handling). Given the probable mobile groundwater in the area, it is possible that lateral migration could occur.

- Geology is topsoil/made ground over London clay, and migration distances will depend on the character of the clay in this area. If plastic / stiff - migrating contaminants would be expected to be present at shallow depth, probably at or near the interface between the overlying soils and bedrock geology (probably from 0.4m below existing ground levels). Wells in the area would suggest that the clay is more permeable than might be expected, which (given the attenuation properties of silty clays) is a factor which may reduce the lateral distances over which contaminants might be expected to travel.

Available site investigation information

There is a site investigation available which related to the site at 9-11 St. Georges Walk. This investigation identified asbestos containing materials (fragments within made ground), elevated zinc, arsenic, lead, and benzo- species aromatics, all associated with near surface Made Ground.

Arsenic and Lead exceeded residential assessment criteria *en masse*, though estimates were based upon a relatively small sample. Soils were deemed unsuitable for private garden areas, but acceptable for 'communal soft landscaping'.

The investigation (contrary to expectation) identified the greatest concentrations central to the site, and to the Southwest - identifying made ground in excess of 1m depth at the boundary with #2. The site investigation sought to identify risks associated with the boundary with the brick manufacturing activity adjacent, and the fill used for the apparent ground level changes.

The investigation confirmed that there was no soil gas risk associated with fill at the adjacent site, returning a CS1 screening value (no gas protection needed). This conclusion is considered likely to also be valid for #2.

Conclusions

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.

Contamination (Standard – omitting EDS) [1]

"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."

For the benefit of the applicant (as guidance, not dictation), I consider that a proportionate site investigation should include a minimum of three trial holes, and should focus on near surface made ground (i.e. need not assess natural soils in the first instance). It may be possible to achieve the required depth using hand excavation methods.

The private garden area represents the greatest exposure risk, but the investigation should also consider placement of a trial hole within the driveway area, where this could in future be scaled back to increase the recreational garden space. It should also be noted that WS6 (referred to above) was located just to the NE of the site boundary (adjacent to the driveway), and it could be helpful to confirm the depth of made ground on the site of #2 in order to infer the reason for the increased depth at this location / in the vicinity. Vapour screening could be informative in dismissal of off-site risks from fuels and solvents (laundry, garage, motor works, police station).

I do not expect that it will be necessary to investigate beneath the building, it should be possible to infer risks / pathways from investigation of open areas of the site. Significantly adverse results from open areas could (however) in principle necessitate screening or investigation of the building footprint as a second phase of investigation.

Mr. Jonathan Driver
Environmental Control Officer