

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00177	Your Ref:	APP/17/00061
EH Case Officer Extn:	44 6671	Date:	09 February 2018
DC Case Officer:	Ms R Ballam		
DC Case Officer Extn:	[not on file]		
Application Number:	APP/17/00061		
Site Address:	5-7 East Street, Havant, PO9 1AA		
Proposed Development:	Demolition of existing retail units and erection of part 4-storey, part 5-storey building with 9no. flats (3no. 1-bed and 6no. 2-bed); cycle and refuse store (Approved 26/04/2017). Request to Discharge Conditions 3, 4, 8, 9, 10, 11, 12 & 13 (26.01.2018).		

Observations / Comments:

Comments here relate to condition no. 3 only.

I have reviewed the planning history for this site, and note that I had previously recommended an informative (only) for this development, largely on the basis of the low risk development type relative to the nature of the risks.

It is unclear where the wording for condition no.3 originated, and would highlight that in the event that the contamination desk study had highlighted any significant risks, there would be no formal mechanism of ensuring that identified risks were addressed. This approach (requiring desk study only) is not recommended without provision for investigation- & if necessary mitigation- of any unacceptable risks, with post implementation verification.

Environmental Desk Study - Critique & Recommendations

The Wesson Environmental EDS identifies some potential risks, in particular identifying that the workshop to the rear has been in use for engine tuning & reconditioning activity. The report dismisses this risk as a potential off-site source of contamination that could be sufficient to affect the application site, on the basis of no bulk storage / small surface spillage. This conclusion is based upon the period of known use, and gives little consideration of the length of time that this, or any other potentially contaminating landuse may have occurred at this site. It is not uncommon for a use to persist through successive tenants, and the workshop could in principle have been in similar use for significant period. I would also challenge the assumption that engine tuning activity would involve handling of lubricating oils only - fuels and cleaning solvents are likely to be associated, and small-scale bulk storage may have occurred on site.

Notwithstanding the above, the nature of the development is recognised (as previously) as tending toward a "low risk" exposure profile - comprising almost entirely hard cover, and no private or communal amenity space - rather associated space would better be described as

'utility' (bins, cycles & access). I would therefore tend to agree the overarching conclusion of the Wesson Desk Study, that risks are likely to be low.

Notably, no watching brief is recommended. The risks identified are offsite, and as regards significance to the development, limited to migration of hydrocarbons to shallow soils, and probably exposure by indoor vapour inhalation. Realistically, were this risk to be realised (soil conditions likely to be unacceptable for a residential development of this type), the presence of contaminants (in the form of oils, fuels, or solvents) would likely be readily apparent by visual & olfactory means (soil staining and odour), especially during groundworks. I would have preferred to see a commitment to observing a watching brief - dealing appropriately with any contamination encountered, and confirming actions (or no contamination found) to the Council upon completion of groundworks. This would provide certainty for purchasers & occupiers going forward.

I would recommend the applicant adopt this approach in discharge of their general duty under the NPPF (para. 120).

I would also highlight that the potential for presence of contamination on a site within 10m of the curtilage of the development may be relevant to condition no. 6 (piling risk) and no.7 (surface water drainage, especially SuDS); as this could mobilise nearby contamination to the principal aquifer. The Source protection zone is mapped at 50,000 scale as being within 5m of the development boundary - well within margins of error both for scale conversion / position generalisation, and modelling error in determining the water supply <50 day travel time catchment area. For this reason the SPZ1 designation should be regarded as being 'on site'.

Conclusions

In line with above comments, and with regard to the specific requirements of condition 3, the applicant has met the necessary obligations. For this reason, I am able to recommend that c.3 be discharged.

I do (however) expect the contamination sources identified to feature in the consideration of piling risk, and the selection of a preferred piling option. The approved risk assessment / method statement may well form an appropriate place to incorporate a formalised commitment to monitor for potentially significant contamination (by visual and olfactory means).

I would request that Environmental Health be consulted on future submissions in respect of condition no.6.

Mr. Jonathan Driver
Environmental Control Officer