

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/17/02484	Your Ref:	APP/17/01338
EH Case Officer Extn:	44 6677	Date:	11 January 2018
DC Case Officer:	Harriet Pitney		
DC Case Officer Extn:	44 6144		
Application Number:	APP/17/01338		
Site Address:	51 London Road, Cowplain, Waterlooville, PO8 8UJ		
Proposed Development:	Application for Change of Use from restaurant (Class A3) to a Hot Food Takeaway (Class A5) including a ground floor extension at the rear along with associated works, including new shopfront, extraction and ventilation equipment and ancillary works.		

Observations / Comments:

I have reviewed the site & block plans against available spatial records, with a view to identifying any specific potential for contaminants that could pose a risk to a commercial development. I have not reviewed this application from the perspective of nuisance that might be associated with the extraction of cooking fuel combustion products & smoke / odour extraction, nor the likely efficacy of any mitigation measures proposed.

Laurent Lemagnen has been allocated this case to review from this perspective, and will provide comments under separate cover if he feels that either substantive comments, additional information, or restrictions are necessary.

The application site was originally developed at a date falling between the 1867 & 1879 map issues, comprising an access to a formalised yard area for structures fronting London Rd., but no buildings were present at this time. The site was further developed between 1909 & 1932, where building was constructed broadly in the position of current structure - probably representing the extant structure.

The building adj, is marked as a PO in 1953, but is of insufficient scale as to be likely to be associated with any contaminative materials (e.g. fuel). The extant use of the former Post office is likely to represent the greatest risk of Contaminant release, being operated as a dry cleaning business for since at least 2003, and potentially a much longer period. It is not known whether the cleaning process was undertaken at the site or a central location prior to the regulation of the process by this authority from around 2007.

This landuse, especially during the period pre-dating the Solvent Emissions Directive (2006), represents a risk of release of Chlorinated dry cleaning solvents. It should be noted that other former dry cleaners on London Road & elsewhere within the borough have proven to be a source of gross contamination requiring solvent recovery & remediation.

Given that the application proposes only alteration / extension of the existing building (and not demolition / rebuild), it would likely be disproportionate to require a proactive intrusive investigation to quantify the level of risk, and address any unacceptable exposures.

Fortunately, if this contaminant is present in sufficient concentrations as to be significant to customers and employees of a commercial site, it would likely be readily identifiable by visual and olfactory means, manifesting as oily droplets within any groundwater encountered (solvent will settle at the base of a static column of water), and or as a distinctive chemical odour. Lighter-than-water hydrocarbons or solvents could also be present from spot treatments and other chemicals stored at the dry-cleaning premises in smaller quantities.

The NPPF makes clear that the applicant would under any circumstance be responsible for ensuring that the development is safe & suitable for use upon completion, and it is right (therefore) that development proceed under a formalised duty to address any contamination identified (insofar as it is relevant to the proposals).

I would recommend that any consent granted should be conditional upon the operation of a formal obligation to monitor for and report any unusual ground conditions, a requirement to undertake the minimum level of assessment needed to address the principle risks to future users of the site if suspected contamination is encountered, and a requirement to appropriately manage any non-trivial risks identified. To this end, I would recommend the wording below:

Condition [1] (Contamination Watching Brief)

"In the event that suspected contamination (contaminated soil / groundwater, or any buried waste materials) is encountered during groundwork; works in affected areas of the site shall cease until a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

The scheme may comprise separate results/reports/statements as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) Investigation in the vicinity of suspected contamination, sufficient to characterise it's nature, likely extent & mobility,*
- 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;*
- 3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All assessments, works, monitoring & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A. A statement confirming that no suspected contamination was identified during development, OR;*
- B. Documentation in accordance with 1)-3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.*

Reason: *Having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) [2011], policy DM17 of the Havant Borough Local Plan (Allocations) [2014], and the National Planning Policy Framework; there is a potential for hydrocarbon and solvent contamination associated with adjacent landuses to exist within soils at the site, which could pose a risk to occupants"*

I would like to be clear that the applicant cannot be made responsible for remediation of a source contamination originating from adjacent land, but could be responsible for addressing contamination within the curtilage of the development site where this represents a material risk to users of the completed development.

Relevant exposure pathways to users of the proposed development would include the physical penetration of services run in plastic pipes or conduits (e.g. drinking water) by contaminants, or vapours from contaminants in soils migrating to indoor air. Measures seeking to interrupt these pathways are likely to be the most appropriate form of mitigation, given the degree of building work associated with this proposed change of use, in the event that contamination is found to be present.

Mr. Jonathan Driver
Environmental Control Officer