

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/18/00858	Your Ref:	APP/18/00437
EH Case Officer Extn:	44 6677	Date:	23 May 2018
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/18/00437		
Site Address:	88A Jubilee Road, Waterloooville, PO7 7RE		
Proposed Development:	Change of use from business (B1) to special needs school (D1) to provide new food tech and design technology classroom/workshop teaching block.		

Observations / Comments:

It is noted that this application is related to prior applications numbered APP/13/00947, and APP/16/00275. Comments against these applications outline the potential contamination sources, and the rationale for concluding that on balance, a qualitative assessment of risks might appropriately conclude that the exposure of pupils should be considered to be more likely to be acceptable than to be unacceptable.

I would stress however, that this qualitative assessment was based upon a site specific consideration of exposure scenario which may be subject to change. The nature of the current application, if materially different to those prior consents, may justify drawing a different conclusion.

Contamination Risk;

One of the 'adjacent potentially contaminating landuses' referred to in the consultation response to the applications referenced above relates to the building which is subject of this change of use application.

The specific use of the building is unknown, but the character of the industrial / commercial uses in this area is typically engineering and manufacture, so is not unreasonable to conclude a similar use at the subject property (along with it's associated contamination risk). It does appear that the current building at the site was constructed on brownfield land to replace (sometime before 1963) an earlier, smaller structure (built sometime between 1932 & 1952). Some construction / demolition related wastes might be expected to be present within shallow made ground at the site, and elevated concentrations of lead in particular might be found in local soils as a result of maintenance of the structure from painted surfaces) - this being a contaminant which is particularly harmful to infants.

Whilst it is again recognised that the proposals are for change of use & internal works only - I do note than a soft landscaped enclosed play area is proposed, and that the age-range quoted in the D&A statement is 8-16yrs., and not 11-18yrs. as indicated in the 2013 Pre-app.

Both the age class and the availability of soft landscaping / soft play areas are directly linked to the contamination risk, the former relating to biological (developmental) sensitivity to contaminants, and reduces body mass - the latter to the relevant routes of exposure. The prior application included hard-landscaped play areas only, so this risk factor was absent.

My prior response referred to the increased risk of behavioural exposure to soils (direct contact through play, ingestion & inhalation of dust) associated with the pupils which this establishment serves, and in the event that the adjacent former garden area has been affected by commercial activities immediately adjacent (the building proposed for conversion), there could be particular sensitivities associated with this proposed use.

The minimum requirement under national policy is that land should be demonstrated to be incapable of being determined to be contaminated land following completion of the consented development. At this stage I am not confident to say that this would be the case - there is a conceptual model scenario which could in principal lead to the need for determination. For this reason, I conclude that it is both reasonable and necessary to confirm the suitability of the site for this purpose by means of a proportional, proactive site investigation.

If undertaken in a targeted manner (i.e. records office, historic trade directories, planning archive research, etc.); desk-based information may prove informative as to the risks at the site, so I have not excluded this element from the proposed condition. By way of informative, and for clarity, it may well be necessary to obtain samples from within the footprint of the building, depending upon the steer from desk based study.

At this point my principle concern is the direct contact with contaminated soil particles (contact, inhalation, ingestion, whether outside, or as dust and soil physically tracked back or otherwise into the building). However, there are potentially mobile sources of volatile contaminants in the area, if not on site; so indoor inhalation pathways may prove to be relevant.

I would not be able to support a positive determination of this application in the absence of the following conditions:

Contamination (Standard) [1]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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) *A site walk-over survey &/or sufficient desk-based research to identify;*
 - *All relevant previous uses of the site*
 - *Potentially significant contaminants associated with those uses*
 - *Uncertainties relating to previous use or associated potential contaminants*
 - *A conceptual site model identifying all relevant sources, exposure pathways and receptors, and;*
 - *A summary of potentially unacceptable risks arising from contamination at the site.*
- 2) *Site investigation based on (1), 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 all receptors that may be affected, including those off site.*

- 3) *The results of an appropriate risk assessment based upon (1) & (2), 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.*
- 4) *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 (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for 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], Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at the site and in the vicinity that could pose a risk to future users of the development.*

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [X]** 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] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at the site and in the vicinity that could pose a risk to future users of the development.*

Asbestos;

I note that proposed works consist of internal alterations & minor exterior works only (canopy and boundary treatments), not entailing significant construction groundworks.

As is indicated above, the property was constructed on brownfield land, so some made ground would be expected at the site. Prior land use is likely to be commercial / industrial (use unknown at this stage), which may span a period of more than 20 years from the mid-1930's prior to redevelopment in the early 1960's. Contamination risks are dealt with above. As regards the former structure, there is a low-moderate risk of asbestos contaminating materials being present within its fabric (and therefore within construction and demolition wastes disposed of to local soils). There is arguably a greater risk of asbestos presence as a result of commercial activities at the site, as the material would have been in common use for a wide variety of products during the period of operation. The contamination assessment referred to above should include an asbestos screen to qualify (or dismiss) this risk.

It is believed that the extant building(s) at the site were constructed between 1953 & '63, which is a period within which Asbestos is especially common as a construction material for commercial buildings. It is likely to have been used extensively at original construction for structural panels / sheeting & fencing materials, rainwater goods and insulation. Unless

extensively refurbished, it is not unlikely that asbestos containing materials remain within building fabric, particularly in ducting & suspected ceilings, but also potentially in flooring, sanitaryware/plumbing/plasterwork and electrical installations.

Asbestos within the building is considered to be a H&S issue adequately regulated by the Control of Asbestos & Construction Design & Management regulations, and not material to planning. Asbestos within buildings is not contamination, it is 'potential pollution', harmful to construction staff and neighbours if inadequately identified or improperly handled.

I would recommend the applicant commission a pre-conversion Asbestos survey to identify any Asbestos Containing Materials within the property that might be disturbed during construction works, in order that these may be appropriately managed. You may wish to include this as informative on any notice of positive determination of this application.

In dealing with any complaints about construction related dust, Environmental Health will assume the applicant to be fully aware of the asbestos risk when making any enforcement decisions.

Mr. Jonathan Driver
Environmental Control Officer