

**HAVANT BOROUGH COUNCIL**

**Town & Country Planning Act 1990**

**Consultation on Planning Application**

***MEMORANDUM***

|                              |                                                                                                                                                                                                                                                                                                 |                  |                            |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| <b>From:</b>                 | <b>Environmental Health</b>                                                                                                                                                                                                                                                                     | <b>To:</b>       | <b>Development Control</b> |
| <b>Our Ref:</b>              | CONS/17/01337                                                                                                                                                                                                                                                                                   | <b>Your Ref:</b> | APP/17/00633               |
| <b>EH Case Officer Extn:</b> | 44 6677                                                                                                                                                                                                                                                                                         | <b>Date:</b>     | 11 July 2017               |
| <b>DC Case Officer:</b>      | Rachael McMurray                                                                                                                                                                                                                                                                                |                  |                            |
| <b>DC Case Officer Extn:</b> | 44 6546                                                                                                                                                                                                                                                                                         |                  |                            |
| <b>Application Number:</b>   | APP/17/00633                                                                                                                                                                                                                                                                                    |                  |                            |
| <b>Site Address:</b>         | The Orchard House, Western Avenue, Emsworth, PO10 7LP                                                                                                                                                                                                                                           |                  |                            |
| <b>Proposed Development:</b> | Demolition of existing dwelling and erection of 25no. retirement living apartments with communal facilities, car parking and landscaping to include the removal of some onsite protected trees (subject to an Area Tree Protection Order 2068/2017) and provision of replacement tree planting. |                  |                            |

---

**Observations / Comments:**

*Contamination*

I have reviewed the application supporting information, and note that an environmental desk study & preliminary geotechnical report has been included in the application pack.

The desk study references the consultation comments made previously by Environmental Health, and does not identify any potentially significant sources of contamination external to the site. I would agree that the potential off-site sources identified are likely to be so distant as to be unlikely to be capable of reaching the application site given the source scale, the local topography, geology & soil conditions.

A similar assessment is reasonable with respect to any sources that may be present within the curtilage of the application site - external receptors, particularly environmental receptors are unlikely to be placed at tangible risk. The future occupants of the site are considered to be the risk driver.

There remains some uncertainty as regards the history of this site - with particular reference to the association of the on-site orchard with the commercial sites of Brook Farm or Warblington Castle Nurseries, and also the mapped ground cover demarcation noted on 1952 mapping & post-war aerial photography. It is slightly unusual for within-curtilage ground cover demarcation to be depicted mapping, and there is a possibility that it was noted as there was an association with a significant feature (for example, a defensive or decoy position, or temporary structure). It is equally possible that this feature denotes nothing more than an ornamental feature of formal gardens.

I had previously recommended that the ground conditions be confirmed by means of a limited phase 2 environmental assessment. Despite concluding low to very low risk (with the exception

of Asbestos containing materials), the desk study reached a similar conclusion.

The application pack did however include a preliminary geotechnical report which provided some useful ground condition information from intrusive fieldwork. I note that no made ground was encountered in any of the 4 trial holes advanced at the site, and similarly that the logs make no reference to the presence of ash, clinker, soil staining, or any other visual or olfactory evidence of contamination.

I am minded to accept the presented conceptual site model as being supported by the preliminary geotechnical work; especially when the receptor profile is considered (most screening values are benchmarked for infants).

There remains the possibility that asbestos containing materials and other general made ground may be encountered at the site in association with the demolition of small structures, modification & extension of the principal building(s), and with any undocumented temporary structures that may have occupied the site.

The most appropriate & proportionate response to this residual uncertainty is considered to be to proceed under an obligation to maintain a watching brief, and to place a record of the result on the public record. Suggested wording below.

### **Contamination**

*"In the event that suspected contamination (soil, groundwater or 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 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 and the National Planning Policy Framework, there is a potential for contamination to exist at the site within made ground which could pose a risk to occupants"*

## *Asbestos*

It is recognised that asbestos containing material is likely to be present within building materials of the residential building to be demolished. The ACS report refers to these in the context of the Health & Safety of site personnel and the Control of Asbestos Regulations ('12).

The submitted report recommends a pre-demolition Asbestos survey, and the securing of appropriate removal works to coincide with the 'soft-strip' of the building to precede the structural demolition. I agree with this recommendation. However, asbestos within the building fabric is a 'potential pollutant', and not 'contamination', and the building is residential and not of atypical construction for a building of this period. In this way, the building does not represent an elevated risk, as a commercial property might.

Environmental Health do not routinely seek to secure asbestos surveys for properties that fit this profile, and I am content to defer to the obligations of the demolition contractor under the above referenced regulatory regimes / regulations.

In line with comments above regarding contamination, there is no prospect of a poorly controlled demolition frustrating an ongoing site investigation - any discovery of suspected contaminated material & localised investigation will likely follow demolition of above-ground elements.

No conditions are proposed with respect to asbestos, though this in no way discharges the duties of the applicant and their demolition contractors to make reasonable efforts to identify, manage, and properly dispose of any asbestos containing materials encountered, without release of fibres to the environment.

I would also make clear that any deposits of asbestos containing materials found within soils are contamination, and must be reported & appropriately treated under the condition proposed above.

## *Air Quality*

I have previously advised that there are no concerns as regards the exposure of future residents to poor air quality at this location.

I similarly note that public objections to this application reference a substantial increase in traffic on Western Avenue as a result of this development. From an air quality perspective, this development is considered to be of insufficient scale as to be likely to materially & adversely influence local air quality.

I anticipate that parking, the adequacy of access arrangements & highway safety issues raised will be addressed by others.

**Mr. Jonathan Driver**  
Environmental Control Officer