

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/24/01141	Your Ref:	APP/24/00200
EH Case Officer Extn:	44 6677	Date:	12 June 2024
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/24/00200		
Site Address:	25 Mengham Road, Hayling Island, PO119BG		
Proposed Development:	Site Address: Land Rear of 25 Mengham Road, Hayling Island, PO11 9BG Proposed Development: Conversion and partial demolition of existing bakery and offices to 5 No. self-contained flats comprising 1No. 2 bed and 4No. 1 bed with associated parking and cycle storage.		

Observations / Comments:

I have briefly reviewed the application documents, and note little change that is material to contamination risks, comprising an alternative division of 1st floor habitable space and consequential amendments only.

Accordingly, there are no objections to the principle of development, subject to the transfer of condition numbers 6 & 10 from the consented scheme APP/23/00377, for the same reasons.

I note that the applicant has sought discharge of these conditions (against 00377), and I have recommended refusal at this time.

The form of the external amenity space was material to the disagreement between our assessment of contamination risks and that of the consultants acting on behalf of the applicant (Apple Environmental Ltd.). It is not clear from the submitted floor plans, but Apple suggest within their report that the applicant intends a 100% hard landscaped scheme, which is slightly incongruent with the description of 'garden'. This is relied upon to break exposure pathway's associated with the use of a garden, and so to dismiss the need to physically inspect the land for contaminants.

The fresh application potentially affords opportunity to secure a specific & appropriate landscaping scheme, and to control (restrict) future alterations which could change the risk profile of the development in a way which would be contrary to the policy which applies to the decision. This approach may or may not be desirable for the development management service, given that it would create a planning enforcement route for remedial actions (avoiding the much more onerous Contaminated Land enforcement process), for future breaches.

May warrant a conversation if the applicant is insistent upon planning controls being part of the

solution to contamination risks. If this is the case, and development management are amenable, then specific conditions would be required, the wording of which we could derive once we've established this as a preferred approach.

As indicated in our consultation response to APP/23/00377 (our ref: CONS/24/01353), a dismissal of risks based upon a physical assessment of soil quality (and/or remediation & risk mitigation appropriate to the physical conditions) would be the Council's preferred approach, as this provides greater surety for future occupants/owners, both in respect of the garden space and in respect of the residential units themselves.

APP/23/00377 Conditions reproduced below for completeness;

c.6 (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 any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: *To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"*

c.10 (Verification (Standard) [2])

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [1]** 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: *To ensure that future occupants of the development are not put at unacceptable risk from contamination, in line with policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 183-185 of the National Planning Policy Framework 2021. Contamination may be present at the site as a result the former use of land at or adjacent to the development land for retail sale of petroleum and/or the provision of garage services"*

Mr. Jonathan Driver
Environmental Control Officer