

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/00426	Your Ref:	APP/22/00036
EH Case Officer Extn:	44 6677	Date:	15 June 2022
DC Case Officer:	Selina Donophy		
DC Case Officer Extn:	6698		
Application Number:	APP/22/00036		
Site Address:	19 South Street, Havant, PO9 1BU		
Proposed Development:	Prior Approval for development consisting of a change of use of a building and any land within its curtilage from Class E (commercial, business and service) to Class C3 (dwellinghouses).		

Observations / Comments:

I have reviewed the submitted sketch plans alongside the location & spatial context of this development, and I would like to make some comments & recommendations with respect to ground contamination.

There are several potentially contaminating former landuses in the vicinity of this development, and the Council has previously required two site investigations on land within 10m of this development. Both of these investigations identified concentrations of contaminants which required proportionate remedial works, primarily to reduce exposure risks within private garden areas.

The form of development is that of a traditional two-storey dwelling, and I note from the sketch plan that it is intended to use the property curtilage to the rear as private amenity land / garden. The property is 3-bedroomed and is likely to attract family occupants. NPPF para 183 a) requires that planning decisions ensure that a development is suitable for its intended use, taking account of ground conditions and any other risks arising from contamination. 183 c) also requires that adequate site investigation information is made available to inform an appropriate assessment of risks.

Given that it is likely that garden soils would exceed human health exposure criteria for Lead (Pb), and PAH congeners – it is considered that any change of use to a C3 class should be supported by a proportional investigation, and where necessary, proportionate risk mitigation measures to minimise exposure of vulnerable persons to these substances.

For this reason, I would recommend that any consent awarded be subject to the following conditions;

Condition 1 - Contamination (Standard – omitting EDS)

“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 the development is not put at unacceptable risk from unacceptable levels of 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 of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

Condition 2 - Verification (omitting long-term monitoring)

"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.

Reason: To ensure that the development is not put at unacceptable risk from unacceptable levels of 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 of both previous & current land uses (&/or activities) at- or in the vicinity of- the that could pose a risk to future occupants."

I would also recommend that the following informative be applied in order to steer the scope of investigation envisaged by condition 1;

Informative 1 – Guide to scope of required Site Investigation

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions numbered **[1]** & **[2]** have been imposed in response to contamination risks which exist at the site in connection it's prior

(uncertain) commercial tenure, within the context of the contamination profile of adjacent land. Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with low mobility. Relevant exposure pathways associated with exposure to the solid contaminants are therefore associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that the proactive investigation within the footprint of the existing structure is necessary in the first instance. It is also not considered necessary to consider risks to persons or environmental receptors external to the red-line boundary to which this consent relates, unless initial results indicate the presence of a significant- & previously unknown-source of contamination which is likely to be mobile. It is expected that a physical site investigation limited to a maximum of 1m depth (below existing ground levels) will prove to be sufficient to characterise the risks posed to future occupants. The Council expects the sampling suite to include CLEA metals, PAH16 and an asbestos screen at a minimum. It should also be noted that former petroleum retail activity has been undertaken on two separate sites within 50m of the development land, so petrol/solvent vapours could become apparent during the investigation, or development. The Council expects the risk assessment required at condition [1] part 2) to include a 'contamination watching brief' which provides for reasonable vigilance for the presence of such contaminants, alongside appropriate actions in the event of discovery"

Mr. Jonathan Driver
Environmental Control Officer