

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/01204	Your Ref:	APP/22/00351
EH Case Officer Extn:	44 6677	Date:	23 June 2022
DC Case Officer:	Selina Donophy		
DC Case Officer Extn:	6698		
Application Number:	APP/22/00351		
Site Address:	23 Park Parade, Havant, PO9 5AA		
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:

It is understood that the conditions for Class MA permitted development include (2)(b) Contamination, (2)(d) Impacts of noise from commercial premises(...), and (2)(f) provision of adequate natural light.

Development Quality (natural light)

Plans do not appear to show any provision of natural light to the hallway, kitchen or bathroom. It seems to me that it would be possible to provide roof lights or sun-tubes to these areas to improve the indoor living space. If at all possible, I would recommend that such provision be secured by condition.

Amenity (noise)

My expectation is that my colleagues will be aiming to provide additional comment on noise / amenity under separate cover, however, given the tight timeframe for this application gaining deemed consent, I will provide some general observations.

The frontage of the property is to a service area likely to be subject to use for early morning deliveries. The property will be substantially closer to this area than are the existing 1st floor accommodation units, and may be at greater risk of disturbance.

It would also appear that the adjacent unit has been in use as a commercial gym since 2016. Gym activities are not uncommonly associated with nuisance noise – typically music, amplified voices, and structure borne vibrations (e.g. dropping of weights).

There is no information in the application pack to suggest that these sources of noise have been considered, or that the specification of the building has been designed to provide appropriate mitigation.

Where these risks are insufficient to justify refusal of prior consent, I would recommend that the occupation of the consented unit be subject to a condition to demonstrate satisfactory indoor noise levels within the completed dwelling (post construction validation of indoor noise levels, to be submitted & approved by the LPA).

Where such a condition is possible, please contact environmental health for suggested wording – I do not have a model condition to hand at the time of writing.

Contamination

The site history appears to be predominantly retail & A1 food & drink; with the retail uses including (at least) pharmacy use, and domestic hardware, and the food and drinks uses being event space (and in the case of no. 23 ground floor, refuse storage). Some internal conversion works appear within the planning history. Given the initial construction date at ca. 1956, it is likely that the buildings include asbestos containing materials.

As a health & safety issue, I would recommend the applicant undertake an internal asbestos survey prior to the commencement of works – there is no need to make consent conditional upon this, it is assumed that the relevant Regulations will function adequately to control these risks.

In terms of ground contamination risks, commercial property always carries an uncertain degree of risk, and it is possible that the prior use of the unit for retail or storage (or the use of the adjacent units) may have resulted in a degree of soil contamination. Known potentially contaminating landuses (petroleum retail, buried storage tanks, commercial dry-cleaning) are located within 50m of the unit, and the unit is thought likely to be down-hydraulic gradient of these sources (i.e., any contamination moving with groundwater is likely to move in the direction of the development land).

The accommodation is relatively low risk, in that it is of a form, and in a context, that is unlikely to attract an adult with child(ren), or a small family. It similarly omits any meaningful private amenity space. It is however located at ground floor, and proposes to use an existing building of an age that carries a moderate risk of vapour ingress from soils. The principal risk drivers for the site are considered to be VOC/sVOC & Petroleum derived volatiles from prior land uses at- and close to- the development land, and their impact upon the health of future occupants.

It is unlikely that the above-referenced risk could be said to be significant at concentrations falling below olfactory detection limits. Given this, a proportional response would be to make any consent awarded subject to a condition which requires reasonable vigilance for identifying such issues, and where identified, the notification of the LPA alongside appropriate actions to both quantify & mitigate the associated risks. Suggested wording below;

Condition [X]

“Reasonable vigilance for the presence of contamination and soil hazards shall be maintained during all groundwork. In the event that any suspected contamination is encountered (any oily, greasy, or pigmented liquids, obviously contaminated, stained, discoloured soil, or any sweet or solvent-like odours-); works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery and 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 take a proportionate approach to the degree of formality adopted and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;

- 1) Investigation in the vicinity of the suspect material, 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 / Risk Management Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability*

All investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented in a written format. 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 written statement confirming that no suspected contamination was identified during development, OR;*
- B) Documentation in accordance with 1) & 2) above; together with a Verification Report which demonstrates that the agreed remediation objectives (3)) have been met.*

Reason: *Potentially contaminating landuse are present within 50m of the development land, and the site has a shallow geology which would permit migration of mobile contaminants. Previous retail uses of the development land could also have contributed to localised contamination within it's curtilage, which could present a risk to pose a risk to future occupiers of the development. This condition is in line with 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."*

Mr. Jonathan Driver
Environmental Control Officer