

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/16/01236	Your Ref:	APP/16/00837
EH Case Officer Extn:	44 6677	Date:	30 August 2016
DC Case Officer:	Rachael McMurray		
DC Case Officer Extn:	44 6546		
Application Number:	APP/16/00837		
Site Address:	Plot 1, 136 Stakes Hill Road, Waterloooville		
Proposed Development:	Demolition of existing dwelling and erection of 1No. 4 bedroomed two storey dwelling.		

Observations / Comments:

I have reviewed the application documents & environmental context of the site, inclusive of it's development history.

Whilst the specific use(s) the land has been put to in the past are not known, it is clear that 136 has been subject to a significant number of configuration changes, dating from before 1867 and continuing to present day. Mapping from 1867 - 1932 shows a different configuration of boundaries & outbuildings on every map issue, with further changes shown in 1973, 1991 (including demolition & replacement of the original dwelling), and 2000. It is understood that the extant annexe dwelling was under construction in 2007.

The site geology is London Clay - predominantly stiff clay with sand 'lenses'. A well has previously been in use at the site, indicating some permeable strata within this broader regional classification (and therefore a mechanism for migration of potential contamination).

It is considered that the site configuration history is suggestive of use as a small-holding (structures appear to resemble organised animal housing & associated pens, and boundary divisions possible grazing areas. If arable activity, use of soil improvers is likely due to the clay geology immediately underlying the topsoils at the site. Soil improvers may include ash & other combustion residues, which could represent a risk of PAH or metallic contamination).

Latterly (1932-1966), the number of outbuildings could be interpreted as being suggestive of workshops, with up to 6 buildings in use at any one time, totalling some 125 sq.m floorplan area.

The risks associated with these possible uses are not necessarily severe. There is no positively identified potentially contaminative land use, nor any bulk materials storage likely to result in gross contamination that might be both significant & mobile. Nevertheless, elevated hydrocarbons, harmful metals (particularly lead, arsenic, but also phytotoxic), asbestos containing materials & free fibres may exist at the site within general fill (made ground) or as a result of soil improvement.

Given the development history (i.e. no change in land use sensitivity under this application, and an apparent missed opportunity to address this issue in 2007), it is not necessarily reasonable to require a proactive site investigation as a condition of consent for this proposed scheme.

National planning policy does however dictate that land should at a minimum not be capable of being described as 'contaminated land' following development under a modern scheme. It is an artefact of the risk assessment process (definition of 'contaminated land' within the meaning of the relevant legislation) that where a degree of contamination is present, small averaging areas are more likely to meet the definition than are large ones.

It is the responsibility of the developer to ensure that a site is safe & suitable for use post-development. Given that the indications that potential contamination may be present are largely circumstantial, I am in this case content to rely upon this concept and require only that a sensible watching brief be executed in respect of this site. A positive declaration will however be required confirming that the developer has not encountered any ground conditions that could reasonably be taken as being of concern. Failure to inspect / declare / notify such conditions would therefore be at the developers own liability (in perpetuity). For the avoidance of doubt over what should be regarded as being of potential concern, I would also recommend that an informative be included on the decision notice to provide a steer in this respect.

I have no objection to this application subject to the inclusion of the following on the decision notice;

Condition 1 - Appropriate investigation and treatment of any suspected contamination encountered

"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"*

Informative - Contamination

"It is the responsibility of the developer to ensure that upon completion, the development is safe & suitable for its intended future use. There remains uncertainty with respect to the land-use history of this site and it is possible that former activities could represent potentially contaminating landuses, or have otherwise resulted in the deposition of harmful materials at the site. Contamination may become apparent during the course of development, for example during the installation of new below ground services, or when accessing enclosed service ducts, chambers or voids. Discoloured soils or groundwater, oily sheens, fuel or solvent odours, deposits of ash, tar, or inclusions comprising fibrous or other obvious waste materials should be taken as indications of possible contamination. Should any of these conditions be encountered during works, construction should cease in the affected area of the site until an appropriate assessment of the nature and extent of the suspected contamination has been undertaken in accordance with the above condition"

Mr. Jonathan Driver
Environmental Control Officer