

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/03779	Your Ref:	APP/21/01120
EH Case Officer Extn:	44 6677	Date:	17 December 2021
DC Case Officer:	Julie Terzoudis		
DC Case Officer Extn:	[None]		
Application Number:	APP/21/01120		
Site Address:	Fiscal House 2 Havant Road, Emsworth, PO107JE		
Proposed Development:	Change of use from existing two storey building from B1a to residential including part demolition of existing building and formation of a new residential garden, re-allocation of parking.		

Observations / Comments:

Air Quality – mitigating development emissions (LP2036 E23)

The development is not major development, and so is not captured by the requirements of policy E23. The specification of solar panels is supported on air quality grounds, though I note that the proposals are not especially clear on whether or not this forms part of the consent being sought – the design & access statement refers to the roof being 'suitable' for a solar installation, rather than stating that one is actually proposed – similarly, no panels are depicted on elevations.

I would always encourage the applicant to take a holistic approach to the design & specification of buildings so as to contribute toward the provide sustainable development that is fit for the future. For air quality in particular, any technology that avoids or reduces local combustion is beneficial – e.g. use of electrically powered cooking appliances, specification low-carbon heating appliances (e.g. an air source heat pump), and consideration of complementary technologies in the servicing strategy such as direct solar, solar PV, and heat recovery.

It is noted that preparatory works to facilitate future installation of an EV charging point is proposed, also supported as a positive feature.

Given the quantum of development, no in principle objections arise.

Air Quality – development as receptor

I note that the residential conversion would not place a new pollutant-sensitive receptor any closer to road traffic sources of atmospheric pollutants than already exists on the A259 Havant Road. It is not thought that any unacceptable exposures are likely to arise as a result of the development.

Contaminated Land

I note the statement at 5.3 of the design & access statement which seeks to dismiss the need to consider soil quality. I would however highlight the commercial history of the site, and the

wording of paragraph 183 c) of the NPPF 2021, which requires 'adequate site investigation information' to inform the assessment that the 'site is suitable for its proposed use' (as claimed at 5.3).

I have reviewed the commercial history of the site, and note in particular its use as a public house, dairy depot, retail sales outlet, and as a base for both hackney carriage & private hire vehicles. There does not appear to have been any significant industrial activity or fuel storage associated with the dairy use, with relevant contaminants likely to arise principally from the operation of vehicles (whether conventionally fuelled or electric, the latter being a potential source of significant heavy metal contamination, Lead/Pb). It is acknowledged that vehicle maintenance & repair was restricted by condition on the taxi/private-hire businesses, but this was not the case for the dairy uses.

I also note that some plans available in the archive refer to the inclusion of corrugated asbestos within the structure, as well as 'insulation board'. The latter reference has an illegible prefix, but given the date of the plan (1963), it is reasonable to assume that it may refer to amosite-containing asbestos insulation board (AIB).

The courtyard proposed to be converted into soft-landscaped private amenity space is currently concrete hardstanding, not unlikely to be underlain by a thickness of made ground consisting of waste-hardcore which (given the commercial history, and history of successive modifications to the built form at the site-) may contain coal-tar containing waste Macadam, Coal, Ash, Clinker, and Asbestos.

The proposed dwelling is 3 bedroom, and may appeal to family use. Pathways to vulnerable persons (juveniles aged 0-6) are therefore considered to be relevant. The minimum standard referred to at NPPF para 183 b) is biased toward small averaging areas, as it is in principle easier to justify determination of a small area of land due to lower probability of spatial dilution of exposures to any contaminants present.

For these reasons, it is considered to be necessary to confirm that the private amenity space is either confirmed to be-, or is made- suitable for residential use.

In the event that the Development Management service is minded to recommend approval of this application, I would recommend it be subject to the following Grampian-style & compliance conditions;

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 the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, 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 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk [...]."

Verification (Standard) [2]

*Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with **condition [X]** 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 the development does not contribute to, and is not put at unacceptable risk from- or adversely affected by-, 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 178-180 of the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk [...]."

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 with the structures present throughout the mixed-use tenure of the site. Contaminants of concern are likely to generally exist in solid form, being chronically toxic, persistent in nature, but with relatively low mobility. Relevant exposure pathways associated with exposure to these contaminants are therefore generally associated with direct exposure within garden areas, and exposure to contaminants occurring following mobilisation and transport into the building (from garden areas, though normal residential use). For these reasons, Havant Borough Council does not consider that an environmental desk study is necessary, nor that contamination within the footprint of the former- & proposed- dwelling is necessary. 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 & an asbestos screen at a minimum."

Other observations

I note the objections of other consultees in respect of parking allocation. I also note that approximately 250sqm (~10 parking spaces) of the current parking/yard area is included within the red-line area, but is neither addressed by the design of the proposed scheme, nor included within its parking allocation. The intended future use & use class for this land is unclear.

Noting the comments of my colleague with respect to the potential for conflict between the residential & commercial uses it may be helpful to clarify how this land is to be integrated with the proposed scheme.

From an Air Quality / Sustainable travel perspective, it is unclear to me whether it would be acceptable to retain a significant surplus of parking spaces relative to SPD, as this would actively encourage private car use, surplus car ownership etc. It is expected that this would be addressed under the banner of parking-, and not air quality- policy, for the reasons stated in the sections above.

Mr. Jonathan Driver
Environmental Control Officer