

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02953	Your Ref:	APP/21/00814
EH Case Officer Extn:	44 6677	Date:	15 September 2021
DC Case Officer:	Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/21/00814		
Site Address:	Development site, 5-7 East Street, Havant		
Proposed Development:	Construction of four storey residential building comprising 8No. two bedroom apartments (revision to planning permission APP/20/00936).		

Observations / Comments:

This site has a fairly extensive planning history, which is interrelated with the adjacent buildings.

Environmental Health has not consistently been consulted on prior applications, and notably with respect to the recent (2017/2020) applications was not consulted on the detailed application / principal scheme.

Ground Contamination / Contaminated Land

A contamination condition was sought by Portsmouth Water Company, being applied to the 17/00061 consent as condition no. 3. The imposed condition did not strictly follow the wording requested but incorporated the principal requirement of a desk-based assessment (only).

This would not typically be regarded to be a sufficient planning response where there is a potential for sources of contamination to affect a development, as it omits any requirement to manage any unacceptable risks identified – in this way, the use of a standalone condition for a desk based assessment (only) was insufficient to meet NPPF requirements.

Environmental Health was consulted on the discharge of c.3, and within the context of the condition wording, recommended discharge. I note that the 20/00936 consent decision notice has transposed the requirements of the formerly discharged condition (17/00061, c.3), essentially requiring a separate application to discharge these requirements.

In terms of risks, no specific on-site risks were identified from desk-based sources, though some nearby off-site risks were identified. The desk based research did not comprehensively identify the prior uses of the site; there are significant gaps in direct site history, meaning that the risk of local contamination is uncertain. Similarly, as a building is present on site from the earliest available mapping (1867), it is not clear whether prior building replacements may have led to the deposit of significant made soils at the site, or whether a prior contaminative landuse may have been undertaken at the site.

The absence of empirical data about soil quality means that the dismissal of risk is reliant upon the form of residential development being relatively low risk (e.g. being unlikely to attract young

families, with limited & communal amenity space, and hard cover over much of the site; limiting exposures). Principle pathways to occupants of the relatively low risk dwellings would be largely limited to gas/vapour transfer to indoor air.

On balance, this assessment was agreed to be broadly appropriate – albeit that a limited intrusive investigation would have been preferred.

Given this (and the prior recommendation to discharge of c.3), the transposition of contamination requirements to c.17 of the 2020 consent was unnecessary. It may have been more appropriate at that time to have formalised a recommendation of the submitted desk study, to secure by means of non-Grampian condition a duty to report any suspicious ground conditions encountered during works (an ‘unexpected contamination watching brief’), alongside a requirement to appropriately consider & manage contamination risks.

This remains appropriate, and it would not be incompatible with prior decisions to include such a condition on any amended consent in respect of this site, in place of the desk study condition.

It is recommended that the provisions of c.17 APP/20/0936 be omitted from the decision notice to any consent granted under the current application (APP/21/00814), and that a more comprehensive ‘watching brief’ condition be included in its place alongside an informative to guide interpretation & scope of the recommended condition. Suggested wording below.

[Condition A] Contamination Watching Brief – Unexpected

“In the event that suspected contamination is encountered during groundwork (e.g. obviously contaminated soil / groundwater, or any buried waste materials not assuredly comprising non-harmful construction materials); 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) Reasonable investigation in the vicinity of suspected contamination, sufficient to characterise its 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 investigation, assessments & other actions required by 1)-3) above (and B, below) shall be undertaken by competent persons, and the findings presented as written report. 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: Contamination may be present at the site as a result of both previous & current land uses (&/or activities) at the development land and in the vicinity that could pose a risk to future occupants of the development. This 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"

[Informative A] Contamination Watching Brief – Steer

“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 or voids. Discoloured soils or groundwater, oily sheens, fuel or solvent odours, sweet or foul organic odours, significant deposits of obvious waste materials or ash, tar, or any inclusions comprising fibrous material 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 the Local Authority has been notified, and an appropriate assessment of the nature and extent of the suspected contamination has been undertaken in accordance with the above condition”

Air Quality

The exposure of future occupants has been considered previously, and exposures are thought to be likely to be acceptable, with no physical mitigation measures considered necessary to protect the health of occupants.

The quantum of development represented by this specific application (considered in isolation) falls below that required for emerging policy E23 a. to apply. No objections arise.

Nuisance / Amenity (Noise, Vibration, Light, Overheating etc.)

These comments are made without prejudice to any further comments which may follow under separate cover from my Environmental Health colleagues which have a nuisance / amenity focus.

Mr. Jonathan Driver
Environmental Control Officer