

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02862	Your Ref:	APP/21/00827
EH Case Officer Extn:	44 6677	Date:	15 September 2021
DC Case Officer:	Lewis Oliver		
DC Case Officer Extn:	44 6263		
Application Number:	APP/21/00827		
Site Address:	9 East Street, Havant, PO9		
Proposed Development:	Construction of four storey building comprising 8 supported living units (Class C3b) with 4No. car parking spaces following demolition of existing retail unit. I attach a copy of the above application that has been received under the Town and Country Planning Acts.		

Observations / Comments:

I note that Environmental Health has not consistently been consulted on prior applications, and when consulted, I cannot find any record of a material response having been made. Similarly, I note that Portsmouth Water was not included on the consultation list for any of the prior applications (2013/2014/2017). There is an inconsistency between the recommendations of Portsmouth Water in its 2020 consultation response, relative to that given for the adjacent site (APP/17/00061), notably omitting the requirement for any contamination assessment.

It appears that a system error meant that the 2020 consultation was omitted from the Environmental Health work queue's, meaning that the application was not reviewed at that time.

Ground Contamination / Contaminated Land

The context of this site is not materially different to that for the adjacent (and related) development land (see APP/21/00814). In the interests of consistency, I would recommend that the same approach is taken to contaminated land risk as I have recommended for the related application, for the same reasons. This represents an approach which is both proportionate & pragmatic, emphasising the developer's general duty under the NPPF 2021 para. 184 and providing the necessary mechanism for this to be enforced, in the unlikely event of the need arising. Recommended condition & Informative 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

Air quality at the façade has been considered, and it is thought that exposures of future occupants are likely to be acceptable. No physical mitigation measures are considered necessary to protect the health of occupants from traffic related air pollutants.

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