

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02239	Your Ref:	APP/21/00628
EH Case Officer Extn:	44 6677	Date:	06 July 2021
DC Case Officer:	Tina Pickup		
DC Case Officer Extn:	44 6461		
Application Number:	APP/21/00628		
Site Address:	Bedhampton Social Hall, 21 Bedhampton Road, Havant, PO9 3ES		
Proposed Development:	Proposed extension to north elevation to provide additional meeting rooms.		

Observations / Comments:

Please note, comments relating to the potential for nuisance / amenity (light, noise etc.) may follow under separate cover from my colleagues - comments here relate to contamination only.

The proposed extension is close to the boundary with a former petrol retail site (built ca. 1958), close to the apparent location of the forecourt canopy. It is common for bulk storage tanks to be located in the vicinity.

I have not searched the planning archives to confirm whether any details of the original site layout to indicate the location & depth of the original tanks.

The site of the community centre could be impacted by contamination migrating across the boundary between the curtilages of no. 21 & no. 23 Bedhampton Road. The development is not particularly sensitive to contamination, however it is in principle possible that contamination capable of being considered to be 'significant' contamination (for the purposes of the Environmental Protection Act 1990, and so to NPPF para. 179 & local policy DM10 & DM17) could be identified during groundworks.

The applicant would not be responsible for the source of contamination, but may be responsible for taking construction precautions to ensure a safe development, in line with NPPF para's 178/179, and Building Control Document C.

It is not considered to be a proportionate response to this risk to require proactive site investigation, however it would be appropriate to impose a duty to report any suspicious ground conditions to the LPA, and to undertake sufficient investigation to determine what, if any, construction precautions are required in order to achieve a safe development in line with planning policy and current building control requirements.

No objections to the granting of consent for this scheme subject to the imposition of the condition below on the decision notice. The suggested wording lists requirements broadly in order - i.e. it is intended that the first requirement is to be cognisant of ground conditions, and where unusual conditions are encountered - to report the discovery to the LPA in the first instance. It is anticipated that the subsequent requirements would be determined in dialogue with the Council.

I would also suggest an informative to provide context as to what may constitute notifiable contamination for the purposes of the condition.

Condition 1; Contamination (Watching Brief)

"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 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 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) that could pose a risk [...] 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 178-180 of the National Planning Policy Framework."*

Informative 1; Contamination

*"It is the responsibility of the developer to ensure that upon completion, the development is safe & suitable for its intended future use. It is possible that former activities at adjacent land, or on the development land could have resulted in the presence 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, 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 [**Condition 1**]"*

Mr. Jonathan Driver
Environmental Control Officer