

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/16/00995	Your Ref:	APP/16/00631
EH Case Officer Extn:	44 6677	Date:	21 July 2016
DC Case Officer:	Daphney Haywood		
DC Case Officer Extn:	44 6513		
Application Number:	APP/16/00631		
Site Address:	42 Milton Road, Waterloooville, PO7 6AA		
Proposed Development:	Erection of 1No. 1 bed bungalow.		

Observations / Comments:

I have reviewed the supporting documentation in respect of this application, alongside the applicant's response to the comments of Environmental Health in respect of contamination.

I have no specific concerns other than the potential for contamination from an off-site source, these comments will address this issue only. Further comments may be made under separate cover regarding mitigation of potential noise / nuisance associated with the industrial / trade premises to the Southeast.

Contamination

I note that the applicant asserts that the "possibility of contamination of the soil is unlikely since natural growth on the site has not been retarded, nor is showing any evidence of stress".

The lack of vegetation stress is a good indicator of absence of particular contaminants that have phytotoxic effects (especially nickel, copper, and aromatic hydrocarbons). Flora can however be quite tolerant of contaminants which have the potential to impact human health (e.g. aliphatic hydrocarbons, lead). Whilst it is appreciated that this property is to be marketed as 'retirement living' accommodation, it's use class would permit occupation by any class of persons (albeit that 'parents with young children' is accepted to be relatively unlikely given that the living accommodation is limited to one bedroom under this application).

My previous comments on presence of contamination & averaging areas (as regards the relative significance of any elevated contaminants found to be present on site) remain valid. It is still considered appropriate & necessary to demonstrate that the development is safe & suitable for use as a residential dwelling.

As previously noted, the identified risk is off-site, and it is acknowledged that the applicant cannot be held liable for a contaminant source that is neither their responsibility, nor located on land they are responsible for. However, the applicant *is* able to mitigate the risks to the future occupants of the development from such contamination; for example through use of barriers or by ensuring the soils present on the development site are safe and suitable for cultivation as a private ornamental garden or for the domestic growing of vegetables for personal consumption.

The relatively small scale of the development is recognised, and my recommendation (reflected in the condition wording) is consequently for a limited & pragmatic investigation of the site. This must still provide adequate empirical information to demonstrate suitability for the proposed use, or to determine the scope of practical mitigation to be undertaken to address any unacceptable risks identified.

Whilst I am happy to discuss my expectations with the applicant, I would like to make it clear that it would be regarded as conflict of interest to provide detailed advice that might constitute the design of a scheme of investigation &/ or risk mitigation.

The condition wording outlined below is the minimum acceptable for a sensitive residential development (ground floor residential accommodation with private garden) adjacent to an industrial landuse. As always, the condition is iterative, with the need to undertake subsequent steps (or indeed the scope of works necessary in accordance with those steps) being dependent upon the conclusions of works under the preceding stages of investigation / assessment. In this way, the conditions may appear more onerous than it may in fact prove to be. My principle objective is to address the uncertainty and facilitate an appropriate & healthy development, supported by robust evidence that is capable of addressing any potential difficulties that may arise during conveyance (for either #42, or the proposed development) as a result of proximity to the industrial premises on Jubilee / Aston Road(s).

I have no objections to the granting of consent for the proposed scheme, subject to the inclusion of the following conditions:

Contamination [1]

Prior to the commencement of development hereby approved, an assessment of the presence, nature & extent of contamination at the site (which may have originated from 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 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 in the Remediation Strategy (2) are complete, to include consideration of contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of adjacent land uses (&/or activities) that could pose a risk to future residential occupants.

Verification [2]

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] 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 &/or that the integrity of risk mitigation measures is adequate.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of adjacent land uses (&/or activities) that could pose a risk to future residential occupants.

Mr. Jonathan Driver

Environmental Control Officer