

Consultee Comments for Planning Application APP/16/00042

Application Summary

Application Number: APP/16/00042

Address: The Dairy, Northwood Lane, Hayling Island, PO11 0LR

Proposal: Prior notification for change of use from agricultural building to C3 residential use subject to prior approval covering flooding, highways and transport issues, noise and contamination.

Case Officer: David Eaves

Consultee Details

Name: Mr Environmental Health Team

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On Behalf Of: FAO Environmental Health Manager, Community Group

Comments

Observations / Comments:

I have reviewed the applicant's letter dated 10th February 2016, and would like to address a couple of the points raised.

Firstly, I agree entirely with the applicant that decisions should be based upon facts, not supposition - and it is for this reason that I recommended refusal. Had this been a regular application I would have recommended a standard suite of conditions to require a tiered / progressive investigation of soil conditions (if necessary, remediation), and progression under a watching brief.

It should however be noted that for small-scale development such as this, this approach would rely heavily on the qualitative judgement that mitigation of potential contamination is unlikely to threaten the viability of the scheme. With reference to relevant case law (i.e. concerning contamination conditions), viability is a key issue with small sites & conditional approvals.

With reference to the likelihood of contamination being present, and the generic comments - it should be noted that redevelopments at several local farms have identified significant contamination, and have required remediation. Indeed it is more common than not that contamination is present where the development relates to the farm complex (yard area & buildings, as opposed to agricultural land more generally). Similarly, farms within the local area are known to have been used for sheep rearing, and have included a dip tank - I entirely accept that sheep farming was not historically associated with Hayling Island, but this is not the same as confirmation that Northwood Farm has never been used for this purpose.

Land-uses identified within the application documents, e.g. 'Agricultural Yard', and 'Storage of Agricultural Equipment' are considered to be potentially contaminating, especially given the length of time that the property has been in use for these types of activities.

Spatial issues & material considerations regarding permitted development

It is noted that while elevations are included with the application, no detailed plan is provided. Reference is made in the planning statement to the provision of 'amenity space' (4.6 b)) - and this is likely to be a key issue with respect to contamination risk as much of the exposure to soils (theoretical or actual) would be via outdoor routes.

Significant indoor exposure pathways are more likely to relate to vapour / gas ingress or building fabric - these pathways can be mitigated on a precautionary basis though the use of appropriate construction techniques in the conversion process, if it is desirable / economic to do so. As the applicant correctly points out, these matters could be regarded (especially for a conversion, falling outside the regular planning regime) as appropriately falling under the Building Regulations (doc C).

The question of (the provision of-) amenity space is also relevant to the Part Q conversion more generally - i.e. does this Permitted Development provision allow for the allocation of a defined area of farm land to be incorporated as garden or private amenity land (carrying a C3 use-class going forward), or would the allocation of amenity land require planning consent?

Being aware of the intended use of the conversion - already accepted to be lower risk than a full-time residential occupancy due to the short period exposure profiles - this is likely to be materially significant to the consideration of contamination as a constraint to this development.

If a garden area falls outside the scope of Part Q, then:

- > The scope for resale as permanent dwelling is significantly reduced,
- > External contamination exposure pathways are discounted (as part of the application land),
- > Contamination need only be considered from the perspective of indoor exposure pathways,
- > Any future allocation of garden land would be subject to planning application. Note, this would require confirmation of ground conditions, likely 'up-front' as supporting information as there would be a very limited margin of economic viability for that type of application.
- > Building control becomes more relevant to the mitigation of contamination risks, and it would likely be possible to determine the scope of required mitigation by means of a site walkover survey, avoiding the need for intrusive works at this stage.

With respect to the summary above, the objection / recommendation to refuse the current application could be appropriately withdrawn

If however an amenity area of unspecified size & location could be defined & transferred to C3 use class under the Part Q provision, then I would hold to the need for the collection of some appropriate empirical data in order to either quantify or discount contamination risks. The intended garden area would need to be marked on a plan, and landscaping proposals & boundaries / access arrangement should be defined. A site investigation SI should then use this future land use scenario as a baseline assumption from which to scope appropriate works. Works need only target human receptors, i.e. soils within 1.0m of existing ground levels.

I trust that this provides sufficient clarification on my rationale for the previous response.

Mr. Jonathan Driver
Environmental Control Officer