

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/15/00520	Your Ref:	APP/15/00363
EH Case Officer Extn:	44 6677	Date:	08 May 2015
DC Case Officer:	Heather Lealan		
DC Case Officer Extn:	44 6523		
Application Number:	APP/15/00363		
Site Address:	The Richard Cobden Public House, 74-76 West Street, Havant, PO9 1LN		
Proposed Development:	Conversion of existing Public House to create 5No flats incorporating removal of existing rear extensions and construction of single and three storey rear extension with associated bin and cycle areas.		

Observations / Comments:

It is understood that Laurent has already provided a 'no adverse comment' response on behalf of Environmental Health in respect of noise / nuisance / amenity / housing standards (etc.). Comments here relate only to Air Quality, Radon / Indoor Air Quality & Ground Contamination.

Ground Contamination

I have reviewed the application documents, and note that the scheme comprises predominantly internal alterations. The scheme does however require replacement of the rear extensions with a new structure of upto 3 storeys, presumably requiring groundworks associated with grubbing up of existing foundations, backfilling to an engineered specification & excavations for new foundations of sufficient depth & scale to support the new 3-storey extension.

A building is shown as being present at the site on the earliest available historic mapping - it is not clear whether the existing structure is the 'original' building, but is considered likely that previous buildings have existed on the same site in the past. The town layout is Roman, so it is not considered improbable that some made ground will be present at the site. This could condition demolition wastes associated with previous buildings, or waste materials (combustion and process residues) associated with previous landuses.

The heritage statement indicates the site has been in commercial use for at least 150 years (probably as an Inn / Public House), and it is possible that the commercial usage period could be significantly longer. Other historic Public Houses within the Havant area have been found to be subject to a degree of (localised, but significant) soil contamination associated with on-site disposal of associated commercial waste (by burying).

It is not likely that any on-site disposal associated with the public house would have been undertaken in very close proximity to the walls of the original building (to avoid undermining of

original foundations, for example), and I note that the proposed extension has a footprint that largely limited to that covered by the existing modern elements to be demolished.

The proposed land use is of moderate sensitivity, notably omitting private garden areas (rear yard being used predominantly for cycle & bin storage), but including habitable accommodation on the ground floor in place of the current commercial use.

I consider there to be a low probability of encountering contamination associated with made ground (during groundworks), but if encountered, soil contamination could be significant in the context of the scheme currently under application (and the previous scheme consented on appeal). Any contamination existing within the curtilage of the site, but disjoint from the residential accommodation is unlikely to be of sufficient scale / severity as to represent an unacceptable risk to future occupants of the proposed residential accommodation.

It is not considered that an intrusive ground contamination investigation & risk assessment is justified, however it is considered appropriate to formally require the applicant to inform the LPA of-, and appropriately deal with-, any soils encountered that the applicant (or any consultants/contractors etc. acting on behalf of the applicant) suspects of representing contaminated ground.

If Development Control are minded to grant consent, I would request that the following condition be applied -

"If, during development, soil or groundwater that appears to be impacted by contamination is found to be present, no further development shall be undertaken until an appropriate assessment has been undertaken, and a report detailing how that contamination is to be dealt with, has been submitted to and approved by the Local Planning Authority. Unless otherwise agreed in writing, all works outlined in the submitted report shall be adhered to."

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); there is a low risk of the presence of Contamination associated with historic uses of land or buildings at the site that if present, could pose a risk to future site occupiers."*

Air Quality

Nitrogen Dioxide, a road traffic pollution indicator, was monitored between March 2011 & April 2012 immediately adjacent to the application site. This monitoring returned local levels of air pollution that fell comfortably within the limits imposed under the National Air Quality Strategy. I have no concerns with regards to the exposure of future residents to poor outdoor air quality, and therefore have no adverse comments or recommendations to make.

Radon / Indoor Air Quality

The application site falls within a Radon Class 3 area (3-5% properties above the 200 Bq/m3 action threshold), where basic Radon protection is considered to be required in 'new properties'. Residential conversions are 'new' properties, as a new landuse class, and a new internal sub-division of an existing structure - but the same opportunity to install effective radon barriers does not exist (as it would with a new build).

There is limited benefit in providing Radon protection within the new building elements (the extension) if indoor air spaces are contiguous (though introduction of ingress points is avoided). Radon is thought to be a direct factor in over 1000 annual death in the UK, and is arguably a greater risk factor than exposure to soils contamination.

It is possible to protect existing buildings from radon ingress through the retro-fit of measures such as passive radon sumps (etc.), and the proposed scheme relates to a comprehensive refurbishment of the property with new building elements, to create new residential property. In this regard, I expect the applicant to incorporate appropriate precautionary Radon protection.

There are several ways in which the Council could seek to ensure that this is undertaken -

- i) by imposition of an appropriately worded planning condition specifically referring to Radon Gas, requiring agreement of a Radon Protection Scheme,
- ii) by considering radon as a soil contaminant, and requiring monitoring & submission of results, and agreement of a scheme of radon protection if monitoring indicates that this to be necessary,
- iii) by reliance upon the building control process (with regard to controlled doc C, resistance to contaminants & moisture), including an informative on the planning consent decision notice to the effect that the applicant is expected to make appropriate provision for radon protection.

I do not favour option ii) as the minimum requirement under the NPPF is that a site not be capable of being determined as Part 2A statutorily contaminated land. It is highly unlikely that a site would ever be determined to be contaminated solely on the basis of Radon Risk. This leaves a specific, bespoke condition to deal with radon, or reliance upon effective Building Control.

If the preferred option, in the interests of minimising the number of planning conditions imposed, were to be the use of an informative (iii), I would suggest the following wording:

"The application site is within a Radon affected area. It is considered necessary for all new residential properties within affected areas to incorporate basic radon protection. It is requested that due consideration is given to the protection of both retained & newly constructed elements (from Radon), and in addition, to the appropriate post-completion measurement of indoor Radon concentrations in order demonstrate the effectiveness of measures implemented"

Radon risk is considered as part of standard environmental reports undertaken at conveyance. The applicant should be aware of buyers reasonable expectation that Radon gas would be mitigated as a precautionary measure within affected areas. Failure to do so (or inability to demonstrate that appropriate measures have been incorporated, or are effective) may affect the value of completed property; to purchasers &/or as mortgage loan security.



Mr. Jonathan Driver
Environmental Control Officer