

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/16/00381	Your Ref:	APP/16/00021
EH Case Officer Extn:	44 6677	Date:	18 March 2016
DC Case Officer:	Steve Weaver		
DC Case Officer Extn:	44 6512		
Application Number:	APP/16/00021		
Site Address:	Land, Stables adjacent to Hollybank Cottage, Long Copse Lane, Emsworth		
Proposed Development:	Change of use from private equestrian yard to a mixed use comprising private equestrian yard and two pitch, private gypsy and traveller site (including amenity block and two touring caravan pitches).		

Observations / Comments:

I have reviewed the application documents & environmental context of the site, and would like to address a couple of points.

Brownfield Land / Contamination

The design & access statement refers to the extension of the stable block granted on appeal in 2014 as being a qualifying factor for the site to be regarded as 'previously developed land'. This is linked to paragraph 24 (sic, para. 26) of the PPTS, which refers to the obligation for the LPA to attach additional "...weight to the effective use of previously developed (brownfield), untidy or derelict land"

The equivalent paragraph from the NPPF (17, Core principles) uses very similar wording but includes the word 're-using'. I would interpret both provisions to relate to the re-use of land which would normally be land that is not currently in productive, useful or relevant use (with respect to it's current planning status) or is unviable / under-used with respect to it's current permitted use class. It is relevant that the implementation of the planning consent for extension of the stables (presumably required at the time & for the foreseeable future) is recent, and I note that the current application does not seek to redevelop the stables (indeed it indicates that they are very much in current use).

As regards the curtilage of the 'previously developed land', it does not necessarily follow that the field / paddock should be regarded as curtilage to the stables; this may depend upon it's planning status &/or details of relevant land transactions.

I would consider that no *additional* weight should be attached to these proposals on the basis of the land being previously developed / brownfield.

As regards contamination - the site has been marked as greenfield land on mapping back to

the earliest available issue (1867). The landuse proposed is equivalent in terms of sensitivity to a residential development with private garden area(s), with the only difference being the standards of construction & structural ventilation provisions.

The risk of a significant contamination source being present at this site is relatively low, but is not negligible. Agricultural land can be affected by contamination through import of construction & demolition wastes for stabilising access tracks (etc.), informal storage of agricultural vehicles & machinery, and informal disposal of waste by burning or burial (whether by landowner, or others by means of fly-tipping). Desk-based sources of information are rarely informative with respect to these types of issues.

Sensitivity of the proposed landuse with respect to exposure is relatively high, as stated above; but overall risks are arguably mitigated by;

- i. pitch siting (plots are central to the original field boundary, and disjoint from recent boundaries); not in a position likely to have been a former farm track where a degree of contamination might be expected.
- ii. the dwellings being mobile - not requiring foundations or contiguous direct ground bearing, and likely to be naturally under-ventilated (removing vapour / gas indoor exposure pathways)

The contamination risks are considered to be sufficiently low as to be reasonably comfortable with no requirement for intrusive site investigation to be required by condition on any approval granted.

The proposals do however require some limited groundworks, so there remains the possibility that waste materials or other evidence of contamination could be identified in the course of implementation. If development control are minded to grant consent, I would request that the following informative be included on the decision notice:

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. Contamination could potentially be present at the site that may be identified during the course of development. In the event that any discoloured soils or groundwater, oily sheens, foul or solvent odours, or deposits / inclusions comprising obvious waste materials be encountered during groundwork, or if groundwork staff report acute symptoms (skin, eye or respiratory); works in that area of the site should cease until an appropriate assessment of the nature and extent of the suspected contamination has been undertaken. The local planning authority should be notified of the nature of the contamination, and how that contamination is to be dealt with"

Services (Drainage / Sewerage)

The application details states that it is intended to dispose of foul sewage by means of a new cess-pit, and surface water by means of soakaway.

Soil succession in this area is topsoil over London Clay, meaning that soakaway is unlikely to be viable. Similarly, this could hamper the installation of leach-field disposal for the proposed cess pit, as viable installation depth may be very limited, and could be at risk of damage (e.g. by weight of horses &/or vehicles) if installed (unprotected) at very shallow depth in the paddock area.

I note that the tree location plan appears to show drainage pipework connecting the utility block & both static caravans to a chamber located to East of the site access, in turn just 22m east of the mapped position of the public foul sewer system. This pipework is marked in blue,

suggesting that it is for surface water. However, the connections & destination shown would indicate that the pipes are likely to represent foul water. In either case, the pipework shown is inconsistent with the stated intention to utilise local disposal methods for surface & wastewater.

Disposal of surface water to a foul system should not be permitted, and disposal of foul to the public system will require consent of the local sewage undertaker. Given this lack of clarity, I would suggest that the means of disposal of both surface & foul water be confirmed by condition;

Construction of the development shall not commence until details of the proposed means of disposal of both foul and surface water sewerage have been submitted to, and approved in writing by, the Local Planning Authority. Submitted details shall demonstrate feasibility of any proposed local disposal methods, and the agreement of Southern Water in respect of any proposed connections to public sewage systems.

Reason: *To ensure appropriate means of wastewater management for the prevention of pollution, the mitigation of health risks to occupants of- & visitors to- the site, and to ensure that the site does not contribute either to downstream flooding or pollution.*

Services (Potable Water / Heat)

With reference to the DCLG good practice guide, I note that para. 5.2 requires a separately metered drinking water supply for each pitch, with meters provided within amenity buildings.

In addition, 7.17 states that (among other things) the amenity building at a minimum must include both a hot & cold water supply. The plans & statements make no mention of the source of the water supply or its adequacy for drinking water. Similarly, the application documents don't make any reference to the provision of hot water, the position of a boiler, or the means of fuelling a water heater. It is implicit, but not confirmed that an electricity supply will be provided to each plot - and in respect of water heating it may be as simple as an electric boiler over / under the kitchen sink to provide hot water.

My principle concern here is the potable supply. I would prefer to avoid the creation of our first Regulation 8 re-supply - and would like to make sure that the potable supply to the site will be metered, and that the site owner will be a customer of Portsmouth Water, and not a third party re-selling the water supply. Water supplies should either be metered with both plots separately constituting direct customers of Portsmouth Water, or the site should be supplied as a single customer (i.e. supply shared between plots, with no additional re-charging between a primary customer & a subordinate plot).

The applicant should provide confirmation that this is the intention, and that Portsmouth Water have been consulted and are able to supply the site. If this cannot be provided during the available determination period, I would request that it be sought by condition.

Mr. Jonathan Driver
Environmental Control Officer