

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/15/00611	Your Ref:	APP/15/00427
EH Case Officer Extn:	44 6677	Date:	14 May 2015
DC Case Officer:	Mr S Andrews		
DC Case Officer Extn:			
Application Number:	APP/15/00427		
Site Address:	Meadow Farm Nursery, Woodgaston Lane, Hayling Island, PO11 0RL		
Proposed Development:	Change of use from agricultural building to a flexible commercial use (within class B8, Storage and Distribution) subject to prior approval covering flooding, highways and transport issues, noise impact and contamination risks on the site.		

Observations / Comments:

I have reviewed the submitted documentation - namely Class R notification / planning statement & cover letter - alongside spatial records & and summary details relating to the planning history for the site. I would like to make comment on the application in general, ground contamination & traffic issues (as they relate to air quality).

Application details

I have read the planning statement (Class R notification) and find that the statements put forward appear inconsistent, particularly in relation to the intention to further develop the site without requiring development control consent.

I would like to highlight some of these points for consideration - these generally relate to planning issues, falling outside the scope of Environmental Health concerns, but impacting upon our ability to comment upon related issues or request that conditions be imposed. For convenience, I will refer to the relevant sections of the Stephen Jupp April 2015 planning Statement.

Section 1.3 refers to class R provisions, permitting change of use (hereafter CoU) to "a flexible use falling within Class..."(es) A1/A2/A3/B1(inclusive general industry)/B8/C1/D2. The application refers to class B8 storage & distribution only - I am unclear whether the permitted development is a CoU to "Flexible" (any of the above referenced classes, interchangeably, and in any proportion), or to *B8 (only)*, being one of the permitted classes).

Indeed, with reference to 3.13 iii), 3.17 & 3.19; it appears unclear whether the proposals are for office accommodation or storage. The floorspace referred to within 3.6 (150m²) appear arbitrarily chosen (representing approximately half of the existing 'building'), either based upon

need, maximise associated curtilage or simply in order to avoid the need for a prior notification under R.3 (1) b), as stated in 3.12. If the latter, I am entirely unclear as to why this application has been made at all, unless to establish the precedent that Class F applies to the 150 sq. m 'building'.

The notification required under R.3 (1) a) makes reference to 150 sq. m of B8 for scaffold storage. No mention is made in relation to office space later mentioned in 3.17.

3.14 states that there will be no associated operational development - this is interpreted to mean that the existing poly-tunnel will be reduced in size by 50% approx. by removal of sections, and will be used for storage of scaffold as-is, with no additional groundworks or structures.

3.19 refers to class F permitting the extension or alteration of an office building (ground floor / single storey only), and 3.21 refers to the ability to undertake extension without the need to planning consent (permitted scale / extents unclear - presumably covered in detail in the regulations). 3.22 refers to curtilage - presumably to establish the permitted extent of hardstanding to be 150 sq. m, but with potential implications for the scale of the clearly intended construction work.

With reference to the section 3.19-3.21, I would question whether an unmodified poly-tunnel could reasonably be classed as office space. Similarly, I would question whether an unmodified poly-tunnel could qualify as a 'building' that can be altered or extended - any alteration or extension comprising a permanent structure would be more substantial than the existing / extended structure.

Similarly, this raises a question about the use class being applied for, and/or the quoted floor areas, namely;

- Does the application / Development Right permit Flexible use as described above (i.e. interchangeable within permitted classes), or only B8 as described in the formal notification?
- Is the proposed office use additional to the 150sq. m (where R.3 (1) b) applies), or does B2 office use fall within the 150 sq. m flexible CoU allocation? In either case, given the nature of the subject building, associated construction work is likely to be required to create functional office accommodation that complies with building regulations - possibly requiring formal planning consent in it's own right.

The above simply serves to illustrate the lack of clarity in the submitted documentation - I am not familiar with the detailed provisions & exemptions of the 2015 use class order, but it strikes me that the intention of the applicant appears to be to construct a new building other than the information provided within 3.13, by means of a succession of permitted development(s).

Ground contamination

The subject site appears to have been greenfield (undeveloped agricultural) until around 1991. There is reference to an application (assumed to be related to the establishment of a nursery on the site) under 91/33037/GEN (not logged electronically). A later consent is referred to under 95/59431 which again is not registered on Acolaid. 95/54631 & 99/54631 refer to the construction of poly-tunnels, and the site is indicated on mapping in broadly it's current configuration from 2001, with the addition of a 3-bed dwelling after 2003.

There are no prior potentially contaminating landuses before operation of the site as a nursery garden. Nursery gardens are often impacted by contamination associated with heating systems - storage, handling, distribution & combustion of fuels for soil heating or space heating within

growing areas.

The site history in this case appears to indicate a short operational period, limiting the cumulative potential of small scale spills, and being informative as to the age of equipment and likely type, standard & condition of storage tanks & distribution pipework (i.e. likely to be significantly better than for an older operation). There are no substantial chimney flues visible on aerial photography that would indicate a dedicated & substantial boiler house, and there is no indication within the documents reviewed to confirm that heating systems are present at the site (though I've not comprehensively reviewed the planning archives relating to prior consents).

In consideration of the above, it is reasonable to assume that as a source of contamination, the site would represent a 'low risk' example of a nursery garden.

I would point out however that this site is located within an environmentally sensitive area, for the following reasons;

- The site is adjacent to an adopted SINC
- The site is in close proximity (and has a direct surface water connection) to Chichester Harbour, benefiting from multiple European level conservation designations (SAC/SSSI/RAMSAR);
- Residential accommodation exists on the site.

Any contamination that might be present would therefore need to be assessed not simply in terms of the extant commercial landuse, but with consideration of risks to ecological & controlled waters receptors, alongside residential exposures.

Under the current proposals, it is unclear whether comments on the subjects listed as i) - iv) under R.3 (1) b) are appropriate. It is similarly unclear whether any intrusive site works (i.e. excavations to accommodate services or foundations) are required that might intersect or mobilise contamination or sediments that might affect the identified receptors.

It is however clear that the proposals relate to a relatively small area of the site, leaving the majority in it's current use. The site history is indicative of a low risk of soil contamination being present (in comparison with an older site of the same type), and the proposals do not significantly alter the perceived risk profile.

Indeed, under the current proposals, I assume that the proposed activity relates simply to the removal of 50% of one poly-tunnel, reallocation of the covered space to storage, and construction of permeable hard-standing across the identified curtilage; i.e. low impact proposals.

However, in view of the sensitive environmental receptors both on & in the vicinity of the site, if (as is implied) the applicant has plans for comprehensive redevelopment of the (or parts of the-) site, I would consider it prudent to require that the applicant submit an environmental desk study (or other appropriate level of information, e.g site environmental audit) with any application made.

On the assumption that this application can be regarded as a simple change of use to B8, as described within 3.13, *I have no adverse comments to make.*

Traffic (local air quality)

With respect to Traffic Impacts, at only 150 sq. m, the area of the site that is to benefit from B8

classification is small, and could not realistically support a significant number of HGV movements without extremely rapid stock cycling. The site is already in commercial use, with a given number of HGV movements likely to be associated with existing activities. The proposals are consequently considered to be very unlikely to significantly alter existing vehicle flows and/or to create an issue in terms of local network capacity or air quality at any specific location.

I have no adverse comments to make with regards traffic.

Flooding

I note that the Environment Agency has not been consulted on this application. The planning statement acknowledges the need for proposed hard surfaces to be porous, but does not provide details of proposed surfacing.

The Agency typically requires demonstration that the developed site runoff rate will not exceed that which could be expected from an undeveloped site (to prevent downstream flooding issues, or other impacts).

The area involved (circa 150 sq.m) is not excessive, but is clearly also non-trivial, and as described above the site is environmentally sensitive. The performance of porous surfaces can vary substantially, and the applicant should consider selecting a high performance surface &/or drainage to ensure that any runoff (that may contain dust / soil / metal oxides as suspended solids) is appropriately managed - e.g. collected via silt trap gulley, and discharged to soakaway to prevent impacts to Chichester Harbour.

Again, in the event that formal consent is required for the implied works, it would be helpful to seek definitive advice from the Environment Agency. Under the current notification, it is unclear whether the above comments are procedurally applicable.

The risks are not considered to be so great as to justify recommendation of refusal, on the basis that the applicant has acknowledged the need for a permeable surface to limit runoff volumes.

A handwritten signature in blue ink, appearing to read 'Jonathan Driver', with a horizontal line underneath.

Mr. Jonathan Driver
Environmental Control Officer