

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/01326	Your Ref:	APP/26/00376
EH Case Officer Extn:	44 6677	Date:	12 June 2020
DC Case Officer:	Tina Pickup		
Application Number:	APP/26/00376		
Site Address:	21 Park Parade, Havant, PO9 5AA		
Proposed Development:	Application to determine if prior approval is required for a proposed: Change of Use from Commercial, Business and Service (Use Class E) to 2 No. Flats (Use Class C3)		

Observations / Comments:

Comments have previously been provided in respect of Contamination risk under similar applications (16/00630, 18/01207, 18/00653, 19/00369, 20/00362, 20/00853, 22/00351, 25/00432 & 26/00092).

GEN/18/00653 & APP/26/00092 directly relate to no. 21 Park Parade. The conclusion of those consultations were contingent upon the form of development, in each case notably not comprising any ground floor accommodation.

I note both that this- and the 26/00092 application include the same Soils Ltd. Preliminary Investigation Report (Desk Study & Site Walkover) as a supporting document. That notwithstanding, and in line with the comment above, I would highlight that the form of development under this application differs in a material way (cf. 26/00092), and the conclusions and recommendations differ as a result.

Comments here are made notwithstanding any objection from my nuisance & amenity colleagues - it is not my intention to modify or withdraw prior comments; any comments previously made must be regarded as remaining valid.

Contamination

I might agree that the development is not 'particularly sensitive' within the residential use class, but contamination could potentially be relevant nevertheless. It is acknowledged in particular that;

- All amenity space surrounding the proposed building at ground floor level will be hard-landscaped, comprising shared access, bin & cycle storage only (not private space)
- The urban/retail service-area setting and single bedroom units represent a both a form and context that is unlikely to attract an adult with child(/ren), or a small family.

However, the proposed accommodation is located at ground floor, and proposes to use an existing building which is of an age that carries a moderate risk of vapour ingress from soils.

In terms of contamination sources, there is a former petrol retail garage 21m to the South, and a former Steam Laundry and at no. 7 Park Parade which the planning archive appears to confirm as operating as a Dry Cleaners from around 1963 with an oil-fired boiler and associated Gasoil storage. Both uses are potential sources of fuel-range hydrocarbons, and the dry-cleaning use is (in addition) a potential source of chlorinated hydrocarbons (cleaning solvents).

The Laundry is within 35m of relevant parts of the proposed development, and the closest garage tank is present within 21m. Tanks of this age (1961) are likely to be of steel construction, and are prone to internal corrosion. The status of the tanks is unknown.

The local geology is made-ground over sand - so permeable and permissive of contaminant migration. Chlorinated solvents associated with the laundry represent the greatest risk, and risk relevant to this development is likely to be closely linked to (the presence of contamination at the potential source site, and) the depth to groundwater (within the general seasonal range), and the direction of the hydraulic gradient.

The principal risk drivers for the development are considered to be VOC/sVOC & Petroleum derived volatiles from prior land uses close to the development land, and their impact upon the health of future occupants.

It is considered that residential development within 25m of credible sources such as these should be required to demonstrate either;

- That the quality of underlying soil/groundwater is suitable, and does not place occupants of the proposed development at unacceptable risk of harm, or;
- That the construction detailing is likely to mean that future occupants would not be placed at any unacceptable risk, if we assume a significant contamination source.

Realistically, the only exposure pathways likely to be material to this scheme are;

- a) indoor inhalation of vapours from contaminants transported to the site from off-site sources (e.g. by groundwater movements & volatisation), and
- b) penetration of potable water supply pipes by dissolved-, free-, or vapour- phase solvents; and subsequent ingestion of supplied water.

It is not expected that the applicant / developer be made responsible for cleaning up contamination originating from an off-site source, but it is appropriate for the applicant to ensure that the future occupants of the development are not placed at unacceptable risk as a result of contamination which originates from an off-site source, but materially affects the site.

Conclusions and recommendations

I would highlight the difficulty of retrofitting & verifying an effective hydrocarbon-vapour resistant barrier. There are several examples in the borough of small developments such as this which are adjacent to potential contamination sources, and where retrofit risk mitigation measures have proven necessary.

These examples have highlighted difficulties in the specification of an adequate retrofit vapour-protection system given the provisions/requirements of British Standards and accepted industry guidance.

I am also mindful of the need for planning decisions to be rational (not to impose conditions

which, due to cost, undermine deliverability), that the specification of the ground floor construction forms an integral/functional part of a vapour protection system (it's specification & condition is not known), and that retrofitted barriers usually need to be taken across the wall cavity to ensure efficacy – i.e. often requiring intrusive construction work. The system may also have implications for the development FFL, and/or headers for existing openings, etc.

It is not recommended (therefore) to rely upon installing a gas barrier as a precaution which negates the need to quantify the need for the barrier (as it is not a trivial thing to do).

With a quantum of just two units, mitigation costs could be prohibitive to potential yield, affecting viability.

With this in mind, I would advocate for a determination of this application that i) Prior consent is required, and ii) be refused pending supporting documents which demonstrate that the property is suitable for residential conversion (either demonstrating a lack of material source, or alternatively, a viable & scoped scheme of mitigation).

Whilst I would *not* recommend a conditional approval, this is ultimately a planning decision. Where Development Management is content with rationality, and where the applicant understands the intended effect & consequence of the conditions, I would support a positive determination subject to the inclusion of the following conditions;

Contamination (Tailored – omitting EDS) [1]

Prior to the commencement of development hereby approved (other than any internal works pursuant to asbestos removal or for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or 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 both the previous & approved commercial uses in the vicinity of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the development land, 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 both sustainability & viability, 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 any Remediation Strategy required under (2) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance of engineered mitigation measures, and arrangements for contingency action.*

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

Reason: Contamination may be present at the site as a result of nearby land uses that could pose a risk to future occupants of the dwellings. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 196-197 of the National Planning Policy Framework '24."

Verification Reporting (Tailored) [2]

Prior to the occupation of the permitted development, any verification report required under [Condition 1] shall be submitted to and approved in writing by the Local Planning Authority. The report must;

- i) adequately demonstrate that works outlined in the scheme of contamination remediation or risk mitigation have been implemented, and;*
- ii) that the scheme is likely to achieve its design criteria and will provide the expected degree of protection to the dwelling and its future occupants*

Reason: *Contamination may be present at the site as a result of nearby land uses that could pose a risk to future occupants of the dwellings. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 196-197 of the National Planning Policy Framework '24.'*

Recommendations

For the benefit of the applicant, I would recommend that a competent consultant be approached to provide an assessment with narrow scope (because the potential risks are known/well-defined); and I would suggest that assessment include direct vapour monitoring from at least one shallow borehole (installed either within the ground floor on no. 21, or on land adjacent to between it's East façade and it's Southeastern curtilage), comparing these results to a suitable vGAC (vapour generic assessment criteria, e.g. J&E Method, CIRIA C682), calculated for residential tenure using building dimensions which reflect the proposed residential units. This would be considered to be much more representative than PID screening of soil cores.

Comments made under APP/26/00092, and the related condition & informative in relation to potable supply are relevant-, and would apply- to this development also. The requirements of the condition recommended at 26/00092 should inform the approach to requirements 1) & 2) of Condition [1] in the event of a conditional approval.

Asbestos comments made under APP/26/00092 are similarly relevant-, and would apply- to this development in the same way. Asbestos within the building superstructure need not form part of any contamination assessment.

Mr. Jonathan Driver
Environmental Control Officer