



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

**EH RESPONSE TO CONSULTATION
REFERRAL FROM PLANNING:
DEVELOPMENT CONTROL**

Planning Reference: PP/17/00253	Planning Officer: Lara Peter				
Environment Officer: Telephone: Email:	Nayani Chandran 020 7341 5797 Nayani.Chandran@lbhf.gov.uk	EH Acolaid Number: SRENE/17/198983			
Application site address: 128A Lancaster Road, LONDON, W11 1QS					
Pre-Application <input type="checkbox"/>	Full Application <input checked="" type="checkbox"/>	Informal Advice <input type="checkbox"/>	Appeal Notification <input type="checkbox"/>	Planning brief <input type="checkbox"/>	Policy <input type="checkbox"/>

Date received	20/01/17	Date returned to planning officer :	22/02/17
Consultation deadline from planning website:		Date(s) of discussion(s) with Planning officers	

Environmental issue covered in this response :							
Air Quality	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Contaminated land	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>
Other (describe) such as Licensed premises issues							
Notification has also been forwarded to (EH officer name)	Date	For comments on: (subject area)					
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<p>Summary of application proposal</p> <p>Demolition of existing youth centre buildings (Class D1 use) and construction of mixed-use four storey building comprising library, replacement youth centre, external multi-use-games-area (MUGA) and education space (Class D1 use), together with associated hard and soft landscaping. (MAJOR APPLICATION)</p> <p>Summary of comments</p> <p>The proposed use would be particularly vulnerable to the presence of contamination. Some information with regard to land contamination has been submitted with application PP/17/00253.</p> <p>In accordance with policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014 (previously UDP 2002 saved policies PU3 and</p>

PU4) and NPPF, information is required with regard to potential contamination, when introducing a sensitive use. Conditions are advised to ensure a suitable contaminated land investigation is undertaken prior to development commencing and appropriate remedial measures are implemented if required to ensure the development is made suitable for use. This includes assessment of any site derived and imported soils used for planting and landscaping purposes.

Detailed comments

The proposed use would be particularly vulnerable to the presence of contamination. Question 14 on contamination has been completed incorrectly. However, a Phase 1, Non-Intrusive, Desk Study by Risk Management Ltd (December 2016) has been submitted with the application. The report isn't sufficient to address the requirements of the PRA (preliminary risk assessment) condition. The full set of six contaminated land conditions are recommended for inclusion in any permission given.

A review of available historical information based on Ordnance Survey (OS) mapping in relation to PP/17/00253 indicated open land on Lancaster Road, located immediately to the south of the site and a Railway line indicated immediately to the north of the site, and Notting Hill Station indicated to the west based on the 1869 OS mapping. The surrounding area appears to be in the process of being developed, with roads laid out and some terraced and semidetached properties indicated although large areas remain undeveloped. There appear to be ponds indicated over 100 metres away to the east and the west of the site. The 1896 OS mapping shows terraced properties along the south of the site and buildings to the west which may or may not be part of Ladbroke Hall, and what may be a Glass House to the north of the site immediately adjacent to the Railway. A School is indicated immediately to the north east of the site and the surrounding area appears to be fully developed. Stables are indicated approximately 70 metres to the south east of the site. The 1915 OS mapping shows little change on site, although the a building to the north of the site adjacent to the Railway is indicated, it is no longer shown as a Glass House, and the western part appears to have been extended southward. There are two access points to the School indicated, including one at Lancaster Road approximately 10 metres away to the east of the site. The 1955 OS mapping no longer indicates the terraced properties on site. A Club building is indicated to the west of the site and appears to be identified as 128A Lancaster Road. The buildings to the north of the site still appear to be indicated. The layout of ancillary buildings to the north of the school buildings have changed. A Furniture Depository is indicated approximately 70 metres to the southeast of the site. There are missing map tiles for this area in the 1970-1996 OS mapping.

There could be potential contamination issues associated with made ground/fill. Based on limited EQU records a Dentist is indicated immediately adjacent to the west of the site based the 1890 directory and also 15 metres away to the west of the site based on the 1935 directory. A Photographic Publisher is indicated approximately 45 metres away to the south east of the site. Ordnance Survey mapping data indicates a Railway line with an embankment immediately adjacent to the site and also partly onsite.

It is recommended the desk study and preliminary risk assessment (PRA) is updated in the first instance to address the pre-application comments appended below in the first instance by a competent environmental consultant. Suitable remedial measures need to be proposed based on the investigation findings. The maintenance of a contamination watching brief/discovery strategy when undertaking development works will be required. Details of this need to be provided, prior to development works commencing on site.

The contamination criteria for 'clean' landscaping soils and any specification for the investigation and landscaping works would need to be agreed with the Environmental Quality Unit (EQU) prior to implementation. Prior to the development being brought into use verification information to demonstrate any remedial works have been carried out as required, landscaping works were carried out as agreed and the soils are suitable for use will need to be provided. This should also include information on any unsuitable material on site that was retained and/or removed along with the relevant duty of care.

Appendix: Pre-app advice provided to date (in reverse order):

(1) 3 January 2017

Based on the following submission, the full set of contaminated land conditions will be recommended for inclusion in any permission given.

- Phase 1, Non-intrusive, Desk Study at 128a Lancaster Road, North Kensington on behalf of Taylor Whalley Spyra, by Risk Management Ltd, updated December 2016

Please pass on earlier comments (also provided below) as the above submission does not fully address the requirements for the desk study and preliminary risk assessment.

The following needs to be addressed in the above version of the desk study:

It is not clear what was done to establish there were no onsite contaminative uses with regard to checking Education or Property Records. This needs to be clarified. The report indicates information from Planning and EQU were appended to the report, but his information is missing.

Further clarification is required on how the embankment area is used to clarify exposure pathways. The updates do not seem to be adequate in considering the embankment area, which is considered Railway land. As Railway land the relevant DOE profile should be reviewed for contaminants that need to be considered, including herbicides. The site survey doesn't cover this (possibly one photo), and it is unclear why the PRA (preliminary risk assessment) indicates N for imported soils and made up ground. The risk without soil cover also needs to be considered for this area. (Please refer to earlier comments on PRA and CSM.)

I would be helpful to label each appended content separately and specify which appendix contains the PRA, etc. in the write up.

It is hoped what is set out under recommendation in the report will not be presented as the site investigation scheme scope, as it is not sufficiently detailed to address the requirements of this condition (see previous comments for site investigation scheme proposal). It is advised in addressing this condition a review of the investigation that has already been undertaken will be considered. This is towards ensuring the proposed works will not result in an insufficient site investigation, where previous investigation data can be relied upon.

I am unclear why boreholes are being used to take shallow soil samples in any soft landscaped areas, such as the embankment? Please clarify in the site investigation scheme proposal.

Particular attention needs to be paid to the wording on the contamination conditions, particularly, the preliminary risk assessment condition which requires contaminants of concern to be clearly identified.

The site investigation already undertaken has not been reviewed as part of the PRA. This is fine, but unless they intend to disregard it completely, they will need to review the old site investigation when designing the site investigation scheme.

(2) 6 December 2016

Further to the comments provided previously, just a general point that they need to consider contamination and impact in the desk study/PRA and site investigation with regard to any SUDS or attenuation tank proposals at the site, if these are proposed.

Additional comments in response to the two emails of 30 November 2016 regarding contamination issues below.

Malcolm Price's email (Risk Management Ltd):

The submitted information is noted. The original advice provided below already makes clear they need to ensure the PID will pick up on specific contaminants of concern identified in the desk study. The instrument provider should be able to advice on the appropriate lamp to use.

Emily Temple (Pegasus):

The recommendation for the site investigation is for the ongoing use of the land by the school to ensure the risk to site users in sufficiently considered.

In designing the site investigation, Risk Management Ltd may want to ensure sufficient and relevant samples are taken for statistical analysis.

It could be that exceedances may still need to be addressed following this work based on an appropriate generic assessment criteria. The options would then be to undertake a site specific risk assessment to determine if the contaminants can be left insitu and the risk managed and/or undertake remedial works.

If removal of soil is required, prior to the placement of a geotextile barrier if necessary, and the placement of clean imported soils, remedial works usually don't involve the digging out of the soil around the tree roots as the usual tree protection requirements will apply, so the risk to the trees would not be significant, and remedial works can be limited to the placement of clean soils around it.

The work should not result in adding significant costs to the project.

(3) 29 November 2017

Further to the meeting of 23 November 2016 with MACE and Risk Management Ltd, as requested, some of the requirements for the desk study and preliminary risk assessment and site investigation scheme are set out below.

In accordance with planning policy CE7, and the NPPF, all works are required to be undertaken by a competent person.

Desk Study and Preliminary Risk Assessment

- This should be undertaken in accordance with CLR 11. The good practice guidance that is being followed should be set out in the report.
- In addition to the documentary review that was undertaken, it should also include information on the site and the immediate surrounds available at RBKC, including publically available planning microfiche information on the website, records within EQU and Property/Education departments. If possible could they clarify the use of former buildings at the north of the application site (and if any contaminants are associated with these former uses) and if fuel oil/coal was stored at the school site
- Based on the documentary information of potential sources, pathways and receptors:
 - o provide a list of potential contaminants of concern associated with the identified potentially contaminative uses which the site investigation should seek to investigate alongside standard suites of contaminants
 - o undertake a detailed preliminary risk assessment (PRA) based on the proposed use of the site. A tabulated PRA is preferred. This exercise should include the railway embankment area which is in use based on the proposed use
 - o with regard to gas risk, the risk assessment approach taken should be set out based on CIRIA C665 characterising the gassing potential of the source and sensitivity of the proposed use as far as practicable
 - o create a conceptual model for the site based on known site conditions and proposed use. This should take into consideration the depth of any piles and the strata it will be located within
 - o the contamination criteria for surface soils and remediation targets should be based on an appropriate risk assessment approach, bearing in mind the identification of the critical receptor is paramount and the exposure periods should be reflective of the proposed use. It is recommended the most conservative values are used. (It is also important to note not all contamination criteria derived based on human health risk may be appropriate to use as a remediation standard or soil criteria (phytotoxicity, potentials for ground gas generation, aesthetics), and any proposed criteria/targets should reflect this)
- At this juncture, you could also include a review of the available site investigation works that has been undertaken, identifying the useable data (note: the use of any of the laboratory data where deviation is indicated would need to be backed by written confirmation from the laboratory that it is acceptable for this data to be used. As things stand RBKC cannot accept this data.)
- Make recommendations for further works at the site

Site Investigation Scheme Proposal

The following should be clear in the site investigation proposals for the site, based on the desk study and PRA/CSM:

- Site investigation should be in accordance with up to date good practice guidance such as BS 10175:2011+A1:2013 and CIRIA C665/BS 8576:2013 for ground gas/vapour
- Number of samples, media to be tested (it should be clear this will be

expanded on based on what is found at the site)

- If soil samples will be tested for volatiles (using PID on site – please provide methodology to be followed, PID lamp details, contaminant list/range)
- Sampling and monitoring locations on a plan, and indication of depth where relevant. It should be clear if any potential contamination identified in the desk study is being targeted
- The contaminants to be tested for each kind of sample; depth of soils to be targeted
- Number of rounds of groundwater monitoring/sampling where this is possible (minimum of 3 preferred)
- Number of rounds of ground gas and vapour monitoring (based on an appropriate risk assessment), instruments to be used including PID lamp details and if it will detect relevant contaminants of concern, up to date calibration certificates
- At least one round of monitoring should be undertaken in worst case conditions following a fall in pressure. Falling pressure based on the Met Office definition is 1.6 to 3.5 hPa fall in the preceding 3 hours
- Please provide sampling protocols being followed and ensure the correct containers are being used
- Details of the laboratory being used and that they have the appropriate accreditations (MCERTS, UKAS) where appropriate to test the relevant media
- The limit of detection required for the contaminants to be tested which will be provided to the laboratory. This should be the lowest detection limits available

Other matters raised at the meeting include the following:

- Gas monitoring proforma should provide both date and time for when the wells were monitored. It was indicated time data could be provided for monitoring already undertaken
- Shallow samples were considered acceptable for testing from the embankment area ranging from 0.1 to 0.5 metre depth. It may be advisable to take a few deeper samples (1 to 1.5 metres)
- An additional borehole was advised in the deeper made ground to the south of the site, which was indicated to be infilled former basements, with no evidence of the former structures such as walls/floors were still present at depth. It is our understanding from the meeting full depth of the made ground could be monitoring in this location
- Ensure a suitable PID lamp is used when undertaking vapour monitoring. It is recommended vapour monitoring is undertaken using a suitable PID lamp during every round of gas monitoring. This is to ensure the contaminants of concern are likely to be picked up.

Conclusions

No objections to the proposed development subject to the full set of conditions being applied to address the missing information on land contamination and remedial requirements on any planning permission given. The requirement to address land contamination concerns at this development is in accordance with national planning policy and policy CE7 to ensure the development is made suitable for use. Any soils/materials reused or imported to site as part of the development should be uncontaminated.

It is suggested the developers and their consultants are provided with the above

comments. There is guidance available on the RBKC website for land contamination and planning at: <http://www.rbkc.gov.uk/environment/landcontamination.aspx>. If anything is unclear, they can contact the Environmental Quality team (equ@rbkc.gov.uk, 0207 3613002) to discuss the work/steps required to discharge the conditions.

Recommended condition(s)

Contamination – preliminary risk assessment report

No development shall commence until a Preliminary Risk Assessment Report comprising:

- (i) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;**
- (ii) information from site inspection;**
- (iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and**
- (iv) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials**

has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and submitted to, and approved in writing by, the local planning authority.

***Reason** - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014*

Contamination – Site Investigation Scheme

No development shall commence until a Site Investigation Scheme has been prepared in accordance with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing, and has been submitted to, and approved in writing by, the local planning authority.

***Reason** - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014 (You are advised that the Scheme must be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater, and will be a matter of public record).*

Contamination – Site investigation and quantitative risk assessment

No development shall commence (save for demolition works) until a site investigation has been undertaken in compliance with the approved Site Investigation Scheme and a Quantitative Risk Assessment Report has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

Contamination – Remediation method statement

No development shall commence (save for demolition works) until a Remediation Method Statement to address the results of the Site Investigation and Quantitative Risk Assessment has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014 and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Contamination – Verification report

The development shall not be brought into use until the approved Remediation Method Statement has been carried out in full and a Verification Report confirming:

- (i) completion of these works;**
- (ii) details of the remediation works carried out;**
- (iii) results of any verification sampling, testing or monitoring including the analysis of any imported soil;**
- (iv) classification of waste, its treatment, movement and disposal;**
- (v) and the validation of gas membrane placement.**

has been submitted to, and approved in writing, by the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December

2014

Contamination – Unexpected

If during development, contamination not previously identified is found to be present at the site, development work shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of Miscellaneous Matters: Partial Review of the Core Strategy, adopted on 3 December 2014, and to accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing).

S.106 opportunities

Officer(s) initials

NYCH

Times spent (to nearest half hour)