



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

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

Planning Reference: PP/18/05313	Planning Officer: Joseph Whitworth				
Environment Officer: Telephone: Email:	Nayani Chandran 020 7341 5797 Nayani.Chandran@lbhf.gov.uk	EH Acolaid Number: SRENE/18/226830			
Application site address: Heythrop College, 23-24 Kensington Square, LONDON, W8 5HH					
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	10/09/18	Date returned to planning officer :	22/10/18
Consultation deadline from planning website:		Date(s) of discussion(s) with Planning officers	

Environmental issue covered in this response :							
Air Quality		Noise		Contaminated land	<input checked="" type="checkbox"/>	Other	
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>Reinstatement of three townhouses (Class C3), (part of 23 and 24 Kensington Square); refurbishment of college building (part of 23 Kensington Square) and use as an extra care facility (Class C2). Demolition of all other buildings on site. Erection of deck over adjacent London Underground line and construction of 5 buildings (ranging between 1 and 8 storeys in height) for use as an extra care facility including units, communal facilities and services areas, community hall and on-site affordable housing and associated access parking, servicing and landscaping. (MAJOR DEVELOPMENT)</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 and risk assessment has been submitted with application PP/18/05313.</p>
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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 PU4) and NPPF, information is required with regard to potential contamination, when introducing a sensitive use, or where contamination is known or suspected. The full set of seven (slightly modified) contaminated land conditions are advised to ensure a suitable contaminated land investigation is undertaken prior to development commencing and appropriate remedial measures are implemented to ensure the development is made suitable for use. The conditions need to be amended to take account of any phasing. This includes assessment of any site derived and imported soils, including those used for planting and landscaping purposes.

Detailed comments

The proposed use would be particularly vulnerable to the presence of contamination. There are a number of potentially contaminative uses surrounding the site, and point sources of contamination have been indicated at the site (tanks). Question 11 on the application form may have been completed correctly and the applicant has submitted a Ground Contamination Desk Study and Preliminary Risk Assessment (PRA) by Arup dated August 2018 with the application. Consideration of onsite contamination needs to further clarify potential sources from the Cleaning Company on site. The conceptual site model needs to clarify the depth of London Clay and pile depth when considering the risk to the deeper aquifer and ensure the PRA is updated as necessary. When considering environmental and ecological receptors please ensure any locally designated sites, green corridors and the Blue Ribbon Network on site or within an appropriate distance from the site are considered. Risks to site workers and offsite receptors should be separated out. Officers note PAHs have been identified as an onsite source and historically the offsite Railway and Coal Depot could have contributed to onsite contamination. This does not appear to have been considered when considering the risk to site workers and offsite receptors during site works. The preliminary risk assessment also has not been completed correctly as it appears to take into consideration mitigation from the proposed development such as the basement when considering risk. There are better ways of bringing together the Source-Pathway-Receptor (S-P-R) to adequately complete the conceptual site model (CSM) and preliminary risk assessment so it is clear no S-P-R has been forgotten. The report would also benefit from a CSM drawing to aid with the investigation design.

Based on the information provided by the applicant, the full set of seven (slightly modified) contaminated land conditions is recommended for inclusion in any permission given. They need amending for a phased development. A contamination informative should also be included in any permission given to make it clear the Arup (August 2018) report should not be resubmitted to discharge the contaminated land conditions without an adequate update to meet the requirements of the preliminary risk assessment condition. Further to the PRA, the report also includes information on a proposed site investigation scheme. This has not been reviewed. The PRA needs to be adequately completed prior to updating the investigation scheme.

A review of available historical information based on Ordnance Survey (OS) mapping in relation to PP/18/05313 is located in an area occupied by two groups of Cottages to the north west and south east of the site and open land with trees, possibly orchard trees based on the 1869 OS mapping. The Railway line leading to High Street Kensington Station is shown along the western extent of the site. The 1896 OS mapping indicates a large building to the north of the site identified as a Convent. A number of buildings to the east of the site is identified as R. C. Schools. There is a

Tank identified to the south of the site near the School buildings, and what may be a Glass House is indicated towards the centre and towards the west of the site. There is no apparent boundary between the site and the Railway line to the west of the site. The previously vacant land to the west of the Railway line is occupied by Railway sidings and a Coal Depot. Otherwise there appears to be very little change in the vicinity of the site. The 1915 OS mapping appears to indicate a further Glass House adjacent to the School buildings, a few trees on site and the Tank is no longer indicated, some paths are shown on site but otherwise the site appears unchanged and there is very little change indicated in the immediate vicinity of the site. The 1955 OS mapping no longer indicates Glass Houses onsite, but further paths and trees are indicated on site. Ruins are indicated adjacent to the east of the site near the School Buildings and a Telephone Exchange is indicated approximately 30 metres away to the east of the site, and there appears to have been redevelopment to the south of this area, and a large building is indicated to the north of the site near the Convent, but otherwise the surrounding area appears to be unchanged. The 1970-1996 OS mapping indicates a Tennis Court to the west of the site adjacent to the School Buildings and a large building adjacent to the west of the Tennis Court. The site is still identified as Convent of the Assumption (Maria Assumpta College). The area of the former Ruins has been redeveloped. No other changes are apparent in the vicinity of the site.

There could be potential contamination issues associated with made ground/fill. Based on limited EQU records a Tank is indicated on site, and a number of Garages and underground and above ground tanks are indicated in the vicinity of the site. The searches in the submitted report identifies Railway land and a Cleaning company and additional Tanks on site.

It is recommended the desk study and preliminary risk assessment (PRA) is updated in the first instance by a competent person in line with the requirements of the preliminary risk assessment condition. Soil investigation for contamination needs to include ground gas/vapour monitoring, based on ground conditions for a basement development, following good practice guidance. Groundwater monitoring for contamination is recommended, as a precaution. Suitable remedial measures need to be proposed based on the investigation findings. The minimum requirement where no significant contamination is identified would be the maintenance of a contamination watching brief/discovery strategy when undertaking development works. This information needs 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.

Conclusions

No objections to the proposed development subject to the full set of the seven (slightly modified) conditions being applied to address land contamination and remedial requirements on any planning permission given. The conditions need to be amended to take account of any phasing. The preliminary risk assessment and site investigation

scheme conditions should not allow for demolition. 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. An informative on the decision notice indicating the Arup (August 2018) Preliminary Risk Assessment and possibly the site investigation scheme are not sufficient to address the condition requirements of the preliminary risk assessment and site investigation scheme condition without updates would be helpful.

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.

<p>Recommended condition(s)</p>	<p><u>C.036) Contamination – preliminary risk assessment report</u></p> <p>No development shall commence until a Preliminary Risk Assessment Report comprising:</p> <ul style="list-style-type: none"> (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; (i) information from site inspection; (i) 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 (ii) 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 <p>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.</p> <p><i>Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. It is necessary for the condition to be on the basis that “No development shall commence until” as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.</i></p> <p><u>C.036a) Contamination – Site Investigation Scheme</u></p> <p>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.</p> <p><i>Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan. (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,</i></p>
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where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater, and will be a matter of public record). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

C.036b) Contamination – Site investigation and quantitative risk assessment

No development shall commence (save for demolition) 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 the Consolidated Local Plan, 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). It is necessary for the condition to be on the basis that "No development shall commence until" as compliance with the requirements of the condition at a later time would result in unacceptable harm contrary to the policies of the Development Plan.

C.036c) Contamination – Remediation method statement

No development shall commence (save for demolition) until a Remediation Method Statement to address the results of the Site Investigation and a Quantitative Risk Assessment Report and Verification Plan 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 the Consolidated Local Plan and accord with CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

C.036d) Contamination – Verification report

The development shall not be occupied 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 the Consolidated Local Plan.

C.036e) 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. The approved measures shall be implemented in full.

Reason - To ensure any risks from land contamination are minimised, and comply with the NPPF and development plan policies, in particular policy CE7 of the Consolidated Local Plan, 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).

C.036f) Contamination – Long term monitoring

A Development shall not be commenced until a Long-term Monitoring Methodology Report has been submitted to and approved in writing by the local planning authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken.

B Upon completion of any such approved monitoring work, a Verification Report demonstrating that no residual adverse risks exists shall then be submitted to and approved in writing by the local planning authority.

Reason - To ensure any long term risks from land contamination are minimised, to comply with the NPPF and development plan policies in particular policy CE7 of the Consolidated Local Plan.

S.106 opportunities

Officer(s) initials	NYCH	Times spent (to nearest half hour)
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