

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/03464	Your Ref:	APP/22/01098
EH Case Officer Extn:	44 6677	Date:	04 January 2023
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/22/01098		
Site Address:	Broadmarsh Playing Field, Harts Farm Way, Havant, PO9		
Proposed Development:	Application for Non-material change to Planning Permission APP/21/00189 relating to wording of conditions 3,10,11,12,14 and 19.		

Observations / Comments:

As an observation, the issues that are the subject of this application appear to arise from the conditions suite not being structured as 'A' and 'B' conditions which make clear which are intended to guide Reserved Matters development (to ensure that the principle of development approved in outline is sustainable-), and which are intended to directly apply to the detailed consent (e.g. the construction of the means of site access).

In thinking about how the conditions relate to the approved development, it occurs to me that it is relevant to consider whether or not the proposed enabling works (especially the levelling of the wider site, not associated with the provision of the means of access to the site-) falls within the scope of the detailed consent (i.e. the non-reserved matters-), noting that the consent states that *'all matters are reserved except the means of access to the site'*.

Prima facie, it is not obvious to me that these elements of the enabling works do not require a reserved matters consent. Obviously a procedural matter for Development Management to consider, but I would assume one which is material to whether the current application would have the effect that the applicant expects.

Notwithstanding the above, as regards the specific proposals;

Condition 3:

I would agree that the wording of this condition would appear to preclude the detailed consent to be implemented without first resolving the reserved matters. I would imagine that this is contrary to the intention, and so amendment would appear to be appropriate.

The list of excluded activities would however be subject to resolution of the 'scope of consent' issue raised above. Where all of the proposed works have the benefit of the extant consent, no objections are raised.

Condition 10:

It would appear to me that the provisions of this condition might be material to enabling works outlined on p.6 of the sequencing document (alignment of access road with stoned finish), insofar as the highway surfacewater drainage arrangement.

I have no objection to the introduction of the '[No] *phase of* [development]...', & '[site,] **in as far as they relate to the development phase**, [have]...', as this would enable efficient phase-based discharge. Whether the proposed wording (in respect of exceptions) is appropriate may depend on the distinction between 'forming' and 'constructing' the means of approved access (given reference to a 'stoned' surface), and the resolution of the 'scope of consent' issue raised above.

Otherwise, I would suggest a further amendment without which the applicant would be required to independently obtain the written consent of Southern Water, the Environment Agency, and Environmental Health in parallel to that of the Local Planning Authority. I would suggest the following (amendment highlighted) to reconcile the wording with that of conditions 10, 13, 19, 21 & 31;

*No **phase of** development hereby permitted shall commence (with the exception of site clearance [list of excluded activities subject to resolution of the 'scope of consent' matter raised above-] erection of site hoarding and provision of site welfare units) until details of proposed means of foul sewerage and surface water drainage scheme for the site, **in as far as they relate to the development phase**, have been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water, Environment Agency and Environmental Health). The surface water drainage scheme for the final form of development at the site, shall be based on the principles within the following: ...*

Condition 11:

I note that the applicant considers site levelling & re-provision of capping layer to be within the scope of the current application. It is conceivable that the principal contractor might regard ground improvement operations might be regarded to fall within the 'enabling' works, and not 'construction activity' – especially insofar as it relates to the formation of the stoned site access. It is my understanding that the ground improvement is proposed to comprise controlled modulus columns (CMC) for external areas & access roads. For the avoidance of doubt, CMC is considered to fall within the description of 'deep foundation columns'.

Otherwise, the proposed amendment is in line with wording proposed by Environmental Health in consultation response dated 27/01/2022. No objections in principle.

Condition 12:

Whilst not falling within scope of Environmental Health's subject-area remit, I would make the observation that the Ecological mitigation strategy might well be material to the proposed enabling works, as deferral would preclude any translocation actions to preserve extant populations.

I note that a Biodiversity CMP has been submitted, with this application seeking to defer the submission of a comprehensive over-arching strategy. It would appear material to this application to ensure that the submitted B-CMP dispenses with the need for any population translocation. As with conditions 3 & 10, the list of excluded activities should align with the scope of the secured consent.

Condition 14:

I note that the wording of this condition has the same issue as that of Condition 3, and I would agree that amendment is appropriate, subject to the same caveat.

Condition 19:

It would appear to me that the concerns about the final form of constructed bunds may well apply to bulk-stockpiled material in the approximate position of the proposed bunds. In this way, the proposed enabling works might be material to the reason for this condition.

I would recommend that it be established that the geotechnical concerns that the geotechnical concerns justifying c.19 don't relate to any of the following;

- Physical mass (weight) of bund material,
- the slope angle & runoff from the bunds,
- the risk of instability, or
- any adverse impact on the highway drainage system (including ditches).

All of these concerns would also be material to the stockpiling of material in the location of the proposed bunds, and if the reason for the condition is contingent on these matters it will not be appropriate to amend the condition as proposed, as the amendment would by definition be material to the relevant planning matter.

Conclusion

Whilst I would agree the need for- & principle of- non-material amendments, the approval of the specific particulars of this application is not supported without the establishment of the details referenced above.

Mr. Jonathan Driver
Environmental Control Officer