

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/20/03808	Your Ref:	APP/20/01079
EH Case Officer Extn:	44 6677	Date:	12 January 2021
DC Case Officer:	Ms Lesley Wells		
DC Case Officer Extn:	4 223		
Application Number:	APP/20/01079		
Site Address:	59 Langstone Road, Havant, PO9 1RB		
Proposed Development:	Replacement cottage, Privy style storage building, installation of gates in front wall and repointing of front wall (Amendments to APP/19/00837).		

Observations / Comments:

I have reviewed the revised Scheme alongside the Apple Environmental Contaminated Land Intrusive Investigation (CL/2823/LR) submitted with the supporting documents to the application.

The results of the investigation are as expected and demonstrate exceedance of generic assessment criteria ('GAC') appropriate to the proposed site use, across an entire relevant averaging area (private rear garden area), in respect of Lead (Pb) Contamination. In addition, several PAH substances have been identified in excess of their respective GAC at maximum recorded values. This means that remediation will be necessary to mitigate the risk of adverse health impacts upon future occupants of the dwelling.

The verification plan for the remedial works is precautionary, proposing an increase in the scope of works in response to individual adverse sample results (i.e. proposing max-recorded values being directly compared with GAC). It should be noted that the Council would accept the need for extension of the preliminary scope of remedial works in response to adverse results being considered having regard to the 95th-percentile concentration over the remediation area (i.e. an estimate of true mean concentration over the applicable averaging area).

The report is accepted in its existing form (no modifications are necessary). I assume that in the event that the application is approved & implemented, that the conditions of APP/19/00837 consent would be superseded by those attached to the APP/20/01079 consent. It is therefore assumed to be necessary to include a suitable condition on any consent that the Development Management Service is minded to grant.

To this end, please find bespoke revised conditions below which seek to formally secure the undertaking of the proposed remedial works, alongside their verification on a 'prior to occupation' basis (i.e. discharge of the condition will be required).

Please note that in the event that this application is approved but the APP/19/00837 consent is implemented in preference; the CL/2823/LR report and the remedial scheme / verification plan

described may be taken as sufficient to discharge condition 3 of the .../00837 consent. The requirements of condition 4 should be interpreted in accordance with the condition / informative below under this scenario.

Contamination [1] (Bespoke – Accounting for recommendations of submitted report)

Prior to the occupation of any relevant part of the development hereby approved, a scheme of remediation / risk mitigation works based upon the proposals of section 8 of the Apple Environmental Ltd. Contaminated Land Intrusive Investigation, Ref: CL/2823/LR dated October 2019 shall be undertaken.

Works shall be overseen by competent persons documented in accordance with the verification plan outlined in section 8 of the CL/2823/LR report, and a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Report CL/2823/LR has demonstrated significantly elevated concentrations of Lead (Pb) that require remediation to mitigate risks to future occupants.*

Informative [1] (Bespoke – Notes on flexibility in remediation / risk mitigation scheme)

"It is the responsibility of the developer to ensure development, upon completion, is safe & suitable for its consented future use. The developer should be aware that liability for contamination does not necessarily transfer to subsequent owners of land. Conditions [1] has been drafted to account for new information reviewed by the Council following the imposition of similar conditions on consent number APP/19/00837 (Conditions 3 & 4). The recommendations of report CL/2823/LR make allowance for modification of the remedial works described where additional information is collected which would reasonably modify the current site conceptual model. In order to facilitate the Councils approval of the verification report required by Condition [1], it is recommended that any additional investigation reporting is submitted to Havant Borough Council for review and that any modification to the approved remedial scheme in is agreed in principle prior to the undertaking of remedial work. Amendments to the remedial scheme may require modification to the approved verification plan"

Mr. Jonathan Driver
Environmental Control Officer