

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/22/03146	Your Ref:	APP/22/00757
EH Case Officer Extn:	44 6677	Date:	20 October 2022
DC Case Officer:	Steve Weaver		
DC Case Officer Extn:	44 6512		
Application Number:	APP/22/00757		
Site Address:	Dunsbury Park, Fitzwygram Way, Havant, PO9 4EE		
Proposed Development:	Application for Non-material amendments to Planning Permission APP/21/01267 to the following conditions: - Condition A19 (Approved Plans as regards Building Heights Parameter Plan) - Condition A14 (Contaminated Land as regards the timing for submission of any land verification report).		

Observations / Comments:

I have reviewed the section of the application cover letter SNPL 398335, 25/07/2022 which addresses A14, Contamination.

I would accept the fundamental point made by Savills in respect of condition A14, namely, that the wording has the effect that all parts (numbered i)-iv)) form 'the scheme', falling under a prior to commencement clause that is reinforced by the wording which follows point iv).

The precise reasons for this wording having been applied are a little unclear, as it does not accord with the wording recommended by Environmental Health in consultation responses DCS/EH/JPD/130215001 & .../120420001, which include an additional provision ('[Prior to commencement]... *(or such other date or stage in development as may be agreed in writing with the Local Planning Authority)*'). It is this provision that explicitly allows for a partial discharge of the condition provisions at an appropriate stage, permitting commencement of works and the concurrent undertaking of remedial work alongside construction activity, either without fulfilling all requirements of the condition (e.g. verification reporting) or without fulfilling all aspects for all areas of the site (e.g. spatial sub-division of the site may be accommodated, where circumstances dictate).

Whilst this wording has been omitted from A14, I do note that a similar, and arguably equivalent provision is included, namely *'The approved scheme shall be implemented prior to development of each phase commencing on site and shall be adhered to at all times **unless otherwise agreed in writing by the Local Planning Authority**'* (my emphasis). I see no reason why this provision could not be relied upon to solve the perceived technical issue around the timing of verification relative to commencement/construction/occupation, in the same way as the wording originally proposed by Environmental Health.

Verification reporting would be expected to be undertaken prior to occupation of the completed units, but I'd note that this provides greater flexibility than does Savills proposed condition A20,

and the LPA's expectation could be made clear in writing under the highlighted extant provision, e.g. in the decision notice to the current application.

If Development Management are satisfied that this approach is acceptable from an administrative perspective, I'd recommend that the application to amend A14 & introduce a new condition A20 be refused on the grounds that it is unnecessary to achieve the objectives of the applicant.

I will provide specific comment on the ground investigation report and remediation method statement submitted with APP/21/01267 under separate cover.

Mr. Jonathan Driver
Environmental Control Officer