Havant BOROUGH COUNCIL

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Our Ref: APP/14/01125
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Ask For: Mr D Eaves
Email:planning.development@havant.gov.uk
31 March 2015

Town and Country Planning (Development Management Procedure) (England) Order 2010
Discharge of Conditions Application

Application Number: APP/14/01125
Site Address: Proposed Development Site Manor Farm and Copseys Nursery, Blenheim Gardens, Havant
Proposal: Discharge of Condition No.s 28 and 29 of Full Planning Permission APP/12/01222 (Part A) and Discharge of Conditions 29 and 30 (Part B) of Outline Permission for Copsey Nursery Site.

This decision relates to your application received on 23 October 2014 which was valid from 23/10/2014, and in particular the plans and other documents submitted with your application.

Havant Borough Council as Local Planning Authority hereby PART APPROVES the submitted application as meeting the information requirements of the following Conditions of Planning Permission APP/12/01222

The conditions in respect of which information has been submitted are:

Manor Farm (Part A)

Condition 28: (Contamination)
Prior to development commencing on site, a scheme to deal with the risks associated with identified contamination at the site shall be submitted to and approved in writing by the Local Planning Authority.
That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority.
1. A site investigation scheme based on previous investigation reports, for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of the remediation or other risk mitigation measures required, and how they are to be undertaken.
3. A verification report or statement shall be prepared (as appropriate) on completion of the remediation or risk mitigation measures set out in (3) confirming that measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting
All elements shall be fully adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent future site users and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas. To ensure that potential risks to controlled waters are appropriately addressed, and having due regard to policy DM10 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

Details submitted:
Wilson Bailey Combined Remediation Validation and Verification Report
J13126 Site Plan (2)
QTS Environmental Report No: 13-15177
J11002 Remediation Areas Plan
QTS Environmental Report No: 14-18771
RMS Waste Disposal Ltd Transfer Note dated 28/11/2013
(All documents received 24/03/2015)

Extent of condition Discharge:
This condition discharge relates to all plots **with the exception of plots 1, 2, 3, 6, 23, 24, 25, 26, 57, 58 and 59.**

Reasons for part approval:
The details hereby part approved are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

Havant Borough Council as Local Planning Authority is unable to discharge the requirements of the following Condition of Planning Permission APP/12/01222

<u>Manor Farm (Part A)</u>

Condition 29: (Contamination)
If, during development, contamination not previously identified on site is found to be present, no further development shall be undertaken until a report has been submitted to and approved in writing by the Local Planning Authority detailing how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.
Reason: To prevent future site users and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas. To ensure that potential risks to controlled waters are appropriately addressed, and having due regard to policy DM10 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

Reason for non-discharge of condition:
This condition is a compliance condition requiring the submission of further information and possible further action in the event of prieviously unidentified contaminants being found during the course of the development. As below ground works are still taking place on site the condition remains extant and cannot be discharged.

Havant Borough Council as Local Planning Authority hereby PART APPROVES the submitted application as meeting the information requirements of the following Conditions of Planning Permission APP/12/01222

Copseys Nursery (Part B)

Condition 29: Contamination
Prior to development commencing on site, a scheme to deal with the risks associated with identified contamination at the site shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority.
1. A site investigation scheme based on previous investigation reports, for the purpose of informing an appropriate assessment of the risks to all receptors that may be affected, including those off site.
2. The results of the site investigation and risk assessment (2) and if appropriate, a method statement based on these results giving full details of the remediation or other risk mitigation measures required, and how they are to be undertaken.
3. A verification report or statement shall be prepared (as appropriate) on completion of the remediation or risk mitigation measures set out in (3) confirming that measures have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.
All elements shall be fully adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent future site users and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas. To ensure that potential risks to controlled waters are appropriately addressed, and having due regard to policy DM10 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

Details submitted:
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QTS Environmental Report No: 13-15177
J11002 Remediation Areas Plan
QTS Environmental Report No: 14-18771
RMS Waste Disposal Ltd Transfer Note dated 28/11/2013
(All documents received 24/03/2015)

Extent of condition Discharge:
This condition discharge relates to all plots **with the exception of plots 52, 53, 54, 55, 64, 65, 66, and 67.**

Reasons for part approval:
The details hereby part approved are considered to be in accordance with the relevant adopted policies of the Council, in particular the policies contained within the Havant Borough Local Plan (Core Strategy) 2011.

Havant Borough Council as Local Planning Authority is unable to discharge the requirements of the following Condition of Planning Permission APP/12/01222

Copseys Nursery (Part B)

Condition 30: Contamination
If, during development, contamination not previously identified on site is found to be present, no further development shall be undertaken until a report has been submitted to and approved in writing by the Local Planning Authority detailing how that contamination is to be dealt with. Unless otherwise agreed in writing with the Local Planning Authority, all works outlined in the submitted report shall be adhered to.
Reason: To prevent future site users and buildings being exposed to unacceptable risks of harm arising from previous land uses, inclusive of filled land & soil gas. To ensure that potential risks to controlled waters are appropriately addressed, and having due regard to policy DM10 of the Havant Borough Local Plan Core Strategy which forms part of the Local Development Framework, and the National Planning Policy Framework, March 2012.

Reason for non-discharge of condition:
This condition is a compliance condition requiring the submission of further information and possible further action in the event of prieviously unidentified contaminants being found during the course of the development. As below ground works are still taking place on site the condition remains extant and cannot be discharged.

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6573.

(2) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning Development Service at the Public Service Plaza or by telephoning 023 9244 6015.

(3) A further discahrge of condition application will be required in order to secure full compliance with Conditions 28 (Manor Farm - A) and 29 (Copseys Nursery - B) of Planning Permission APP/12/01222.

Julia Potter
Executive Head - Economy and Planning
Date: 31 March 2015