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Our Ref: APP/20/00276
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26 November 2021

**Town and Country Planning (Development Management Procedure) (England) Order 2015
Discharge of Conditions Application**

Application Number: APP/20/00276

Site Address: Garage blocks, Willowdene Close, Havant

Description: Proposed change of use, conversion and extensions, including first floor addition to block B, of existing garage blocks to create 2 No. three bedroom detached dwellings with associated car parking, bin and bike storage, reconfiguration of existing vehicular access, new gate and new fencing and boundary treatments.

This decision relates to your request to discharge condition 8 which was valid from 11/02/2021.

Havant Borough Council as Local Planning Authority hereby REFUSES the submitted application as not meeting the information requirements of the following Conditions of Planning Permission APP/20/00276.

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

Condition 8:

Prior to the commencement of any specific phase of development approved by this planning permission (other than demolition, site clearance, or any other date or stage in development as may be agreed in writing with the Local Planning Authority), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority.

The assessment may comprise separate reports as appropriate, but shall be undertaken by competent persons and unless specifically excluded in writing by the Local Planning Authority, shall include;

- 1) An intrusive site investigation to complement the Soils Limited Main Investigation Report ref; 18189/MIR; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupiers of the development.
- 2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,

- an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the information that will be collected in order to demonstrate that the works set out any Remediation Strategy required under (2) are complete, identifying any arrangements for contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Contamination may be present at the site as a result of both previous & current land uses (&/or activities) that could pose a risk to future occupants of the development. This is in line with DM10 of the Havant Borough Local Plan (Core Strategy) 2011, DM17 of the Havant Borough Local Plan (Allocations) [2014], and paragraphs 178-180 of the National Planning Policy Framework."

Details:

Combined Investigation Report by Soils Ltd Ref:18189/CIR dated January 2021

Soils Ltd Supplementary letter dated 3 August 2021 Ref 18189/Add with DETS Report No:21-08986 dated 23/07/2021

DETS Report No:21-09415 dated 03/08/2021

Condition 8 & 9 Contamination Statement - on Council's website dated 21/09/2021

Reasons for refusal:

It has not been adequately demonstrated that the concentrations of contaminants present within soils at the site are insignificant. As such it cannot be concluded that there is no risk to the health of future occupiers. Furthermore, there is insufficient information provided on the alternative 100% barrier mitigation method to ensure the barrier's permanent integrity with visual alert against future breaches, coupled with a satisfactory landscape scheme. The proposed details are therefore not considered satisfactory to reduce the risk to future occupiers and as such are contrary to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM17 of the Havant Borough Local Plan (Allocations) 2014, and paragraphs 183 – 188 of the National Planning Policy Framework.

Simon Jenkins

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Director of Regeneration and Place

Date: 26 November 2021