

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From:	Environmental Health	To:	Development Control
Our Ref:	CONS/21/02046	Your Ref:	APP/18/00478
EH Case Officer Extn:	44 6677	Date:	08 July 2021
DC Case Officer:	Paige Harvey		
DC Case Officer Extn:			
Application Number:	APP/18/00478		
Site Address:	Land adjacent to 230 Dunsbury Way, Fulflood Road, Havant		
Proposed Development:	Application for variation of Condition 15 of Planning Permission APP/15/01233 relating to internal layout, fenestration layout and main entrance (approved 16.8.18). Request to discharge condition No. 6 (3.09.18). Request to discharge condition No's 3, 4, 9, 11 and 14 (10.09.18). Request to discharge condition No. 6 (22.04.2021).		

Observations / Comments:

I have reviewed the submitted documentation, and note that the Structural Soils Ltd. Interpretive Report on Ground Investigation no.733845-1 (01) Nov 2018 is the same document as was reviewed under the application to discharge the stem condition no. 5 (APP/15/01233), with comments provided under our ref: CONS/18/00730 (see file IM190104sen001, Jan 2019).

Following the review of that report in January 2019, Environmental Health recommended that c.5 parts 1 & 2 be discharged, and parts 3 & 4 remain in force pending i) submission of a basic scheme of gas protection for buildings as a formal remedial measure, and ii) formalisation of the Contamination Discovery Strategy.

The new documentation submitted in support of this application relation relates to validation of the loosely-defined basic scheme of gas protection for buildings (c.7 to APP/18/00478).

Recommendations in relation to APP/18/00478, c.6

Best practice requirements outstanding in respect of c.6 were essentially reduced to the aspects described above (i) & ii)). That verification documents have been submitted indicates that the scheme of gas protection is now both defined (i.e. spec as implemented). It should be noted that the scheme implemented is agreed to provide an appropriate degree of protection to the building.

No formalisation of the discovery strategy (beyond generic non-site-specific provisions provided in the 2018 report) was ever undertaken, but as the piling operation has been completed, alongside the installation of below ground servicing; this aspect is essentially academic, the applicant / developer being bound by c.8 (to APP/18/00478) and NPPF paragraph 179 in terms of liabilities in the event of future issues arising.

In light of the above, and with due regard to the content of the 2018 report and the comments provided in Jan 2019; there is no residual value in refusing to discharge the aspects of c.5 to APP/15/01233 (& equivalent mirror conditions) which technically remain outstanding.

I raise no objection to the discharge of APP/18/00478 c.6. Please note, in terms of signing off all relevant conditions, Development Management may wish to consider whether it is necessary to discharge APP/15/01233 c.5 (pts 3 & 4 – i.e. all outstanding parts), and whether it is possible to discharge that condition under this application, or whether an application should be invited.

Recommendations in relation to other conditions

It is understood that construction is at an advanced stage, with buildings weather-tight and slab's poured by end of January '21.

This likely reflects the conclusion of groundworks & service installation, meaning that opportunities to discover residual contamination sources (anticipated to remain on site, un-characterised) have now been broadly expended. The relevant conditions (c.7 APP/15/01233, c.8 APP/18/00478, c.7 APP/19/00875, c.7 APP/19/00909) are compliance conditions that do not require discharge. Whilst it is good practice to seek a formalised / written declaration of nil discoveries, the wording of respective conditions for this development does not allow the LPA to require this in this instance. No notifications of any discoveries have been received from the developer / principal contractor / project manager, and so we must assume that no relevant discoveries were made.

In respect of verification of the basic gas protection measures, I have reviewed the 5 submitted reports. The reports evidence installation of an acceptable system of protection, to a good standard, on a site with good housekeeping. The methods of verification reflect good practice, and the discovery, rectification & re-test of defects demonstrates a good standards of verification inspection. Collectively, this lends significant confidence in the standard of works. The reports submitted relate to the entire perimeter & footprint of the principle building (describes as Block A/D).

Whilst the applicant has not applied for discharge of the verification conditions (whose wording includes a prior to occupation clause, and so require discharge), the submitted information does comprise an acceptable and sufficient submission given the scope of loosely defined risk mitigation works described within the 2018 Structural Soils report.

It would therefore appear to be possible to support the discharge of APP/15/01233 c.6, APP/18/00478 c.7, APP/19/00875 c.6, APP/19/00909 c.6; subject to the applicant confirming that there no risk mitigation works remain outstanding.

Mr. Jonathan Driver
Environmental Control Officer