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14 July 2016

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

Application Number: APP/14/00863

Site Address: Land north of Bartons Road, Havant

Description: Demolition of existing buildings and erection of 55 dwellings; comprising 6No. 2 bed flats; 9 No. 2 bed houses; 33No. 3 bed houses; 6No. 4 bed houses and 1No. 5 bed house; together with access, landscaping, car parking and open space. Felling of trees covered by TPO 1328. Joint application with Havant Borough Council and East Hampshire District Council, Havant Borough Council is the Lead Authority. (Approved 25/02/2015) Request to Discharge Condition No.3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 20, 23, 24 (16.05.16). Request to Discharge Condition No.5 (06.07.16)

This decision relates to your request to discharge conditions which was valid from 19/05/2016.

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/14/00863.

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

Condition 24:

- Prior to the commencement of any specific phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with the possible contamination 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 desk study &/or site walkover survey identifying:
 - All previous uses,
 - potential contaminants associated with those uses,
 - a conceptual model of the site indicating sources, pathways and receptors, and;
 - a summary of potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme based on (1), to provide sufficient information for an appropriate assessment of the risks to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and if appropriate, an options appraisal and remediation strategy based on these results giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete, identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: Having due regard to policies and proposals E1 of the Hampshire County Structure plan 1996-2011 (Review), and DM10 of the Havant Borough Adopted Core Strategy (2011); Contamination may be present at the site as a result of both previous & current landuses (&/or activities) at the site that could pose a risk to future site occupiers.

Details:

GE15054-GIR-NOV15 - Geo-Environmental Ground Investigation Report

GE15735 MMP JUL16 v1.0 - Materials Management Plan

GE15735-RMS-JUL16 - Remediation Method Statement

Reasons for refusal:

Sufficient investigation has not been undertaken to characterise the contaminants present at the site to such a degree that the proposed RMS can be adopted with confidence. In particular,

- WS2 has been identified as a separate population of unacceptable contamination, but we have insufficient information to determine the volume of affected material (whether the result is representative of the general Made Ground at all, i.e. of significant concern, or whether the RMS is likely to require removal of a substantial volume of material, rather than the removal & re-placement proposed)
- WS5 is noted to have contained three types of asbestos (Crocidolite, Amosite, & Chrysotile), and demolition within this area has noted significant asbestos inclusions within/beneath concrete hard-standing. This would obviously comprise hazardous waste, and I note that screening for & removal of asbestos is not covered in detail within the RMS. I note that the lab identification only mentions the presence of Amosite – it is unclear how Crocidolite / Chrysotile has been positively identified. I am uncomfortable with the degree of uncertainty with respect to this area of the site, and I do not accept that the delineation of this material is sufficient to conclude that all affected ground will be permanently inaccessible beneath the building footprint (i.e. beneath a cast slab, construction detail not confirmed).
- WS3 – as above, hydrocarbon concentrations inconsistent with olfactory evidence; there is potential for WS3 to be indicative of a significant hydrocarbon impact within the vicinity.
- Further sampling required under the complex materials management proposals could (if reassessed) render samples currently identified as outliers (and therefore representative of distinct material) as likely to form part of an otherwise broadly homogenous contaminant population within the Made Ground known to be present across the southern portion of the site. If the latter, this is likely to be difficult to manage as part of an on-going development.

For the reasons above, I have reservations about accepting the RMS on the basis of the current sample resolution / conceptual model. These issues need to be resolved as part of investigative / pre-commencement works, as this would enable much greater certainty with regards to required remedial actions .

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

Date: 14 July 2016