

Appendix D – Suggested Conditions

EASTLEIGH BOROUGH COUNCIL

Planning Inspectorate Reference: **6015024**

Eastleigh Borough Council Reference: **F/25/100809**

**The Orchard, 5 Westgate Mews, Kenilworth Gardens, Southampton,
SO30 3RE, United Kingdom**

Should the Inspector be minded to allow the above planning appeal, the LPA would ask that the following conditions be considered.

1) Approved Plans:

The development hereby permitted shall be implemented in accordance with the following plans referenced:

- Site & Location Plans – PL01;
- Site & Location Plan – PL02;
- Proposed Elevations & Floor Plans – Plot 1 – PL03;
- Proposed Elevations & Floor Plans – Plot 2 – PL04;
- Proposed Elevations & Floor Plans – Plot 3 – PL05;
- Proposed Elevations & Floor Plans – Plot 4 – PL06;
- Proposed Elevations & Floor Plans – Plot 5 – PL07;
- Proposed Elevations & Floor Plans – Plot 6 – PL08;
- Proposed Elevations & Floor Plans - Plot 7 - PL09; and
- Proposed Elevations & Floor Plans – Plot 8 – PL10.

Reason: For the avoidance of doubt and in the interests of proper planning.

2) Commencement of Development:

The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3) Construction Environmental Management Plan (CEMP):

No demolition, construction or site preparation works shall start until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. All work shall only take place in accordance with the approved CEMP which shall include:

- a) Location of temporary site buildings, parking for site operatives and

- visitors, compounds, construction materials, plant storage areas;
- b) Vehicle tracking demonstrating that the largest vehicles associated with the construction process can access, egress and turn within the confines of the site and management of construction traffic and access routes through Kenilworth Gardens and Westgate Mews;
 - c) Measures to prevent mud and dust on the highway during construction, including wheel washing facilities;
 - d) A scheme for controlling noise and vibration impacts (including any piling) on noise sensitive properties from site preparation and construction activities;
 - e) Provision for storage, collection, and disposal of rubbish from the development. No burning of materials obtained by site clearance or any other source shall take place;
 - f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) Temporary lighting;
 - h) Protection of all biodiversity interests during construction, including precautionary working methods for protected species and the provision of protected species and habitat mitigation training for all site operatives.

Reason: To limit the impact the development has on the amenity of the locality and highways and biodiversity during the construction process. In accordance with Policies DM1, DM8, DM11 & DM12 of the Eastleigh Borough Local Plan (2016-2036).

- 4) Tree Protection:
Notwithstanding the information submitted to date, no development related works shall commence until a detailed Arboricultural Method Statement and Tree / Ecological Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall accord with British Standard (BS:5837:2012 Trees in Relation to Design, Demolition and Construction) and include measures for protection of the existing boundary hedgerows and be extended to include areas of retained habitats and new planting where soil needs to be protected from construction impacts. The approved documents shall be adhered to in full and may only be modified subject to written agreement from the Local Planning Authority.

Reason: To retain and protect the existing trees which form an important part of the amenity of the locality, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

- 5) Working Hours:
No construction or demolition related activities or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to Fridays or 0800 to 1300 on Saturdays and not at all on Sundays or Public / Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwellings, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

6) Contamination Watching Brief:

In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition. Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution from previously unidentified contamination sources, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

7) Sustainable Drainage System (SuDs):

No development shall start until details of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for its implementation and a management/ maintenance plan for the lifetime of the development [including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime]. The system shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure suitable drainage to prevent flood risk and pollution to watercourses, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

8) Drainage Verification:

Prior to the occupation of the first dwelling, a drainage verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall be prepared by the installers of the drainage system confirming the drainage has been built in accordance with the approved details.

Reason: To ensure suitable drainage to prevent flood risk and pollution to watercourses, in accordance with Policy DM6 of the Eastleigh Borough Local Plan (2016-2036).

9) Materials:

No development shall continue above damp proof course level until full details of the external materials to be used in the buildings and hard surfacing (including samples where requested by the Local Planning Authority) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a high quality design in the interest of visual amenity, in

accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

10) Levels:

No development shall commence until levels details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and cross sections to show proposed ground levels and their relationship to existing levels both within the site and on immediately adjoining land. The development shall be carried out in accordance with the approved details.

Reason: To limit the impact the development has on the locality and to ensure a high quality design in the interest of visual and residential amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

11) Noise Mitigation:

No development shall continue above damp proof course level until a detailed noise mitigation scheme to address noise arising from adjoining noise sources upon the residential development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The standards to be achieved shall be agreed in writing by the Local Planning Authority prior to the submission of the noise mitigation scheme. The noise mitigation measures, as approved in writing by the Local Planning Authority, shall be fully installed and verified as performing as required prior to the first occupation of each dwelling unit, and shall thereafter be retained.

Reason: In the interests of residential amenity of future occupiers of the development, in accordance with Policies DM1 and DM8 of the Eastleigh Borough Local Plan (2016-2036).

12) Landscape Scheme:

Notwithstanding the submitted details, no development shall continue above damp proof course level until an updated landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard & soft landscaping [including trees and boundary treatment] and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.

Reason: To ensure a high quality design in the interest of amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

13) Landscape Implementation:

All hard & soft landscaping, tree planting and boundary treatment shall be carried out in accordance with the approved details and to the appropriate British Standard. For a period of 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.

Reason: To ensure a high quality design in the interest of amenity, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

14) Bin & Cycle Storage Provision:

The car parking, cycle and bin storage for each dwelling shall be provided before that property is occupied in accordance with details to be approved under the reserved matters application. The car parking shall be permanently retained and used only for the purpose of accommodating private motor vehicles incidental to the enjoyment of the dwelling house.

Reason: To make provision for off street parking, cycle and bin storage in accordance with Policies DM1, DM13 & DM14 of the Eastleigh Borough Local Plan (2016-2036).

15) Water Usage:

Prior to the first occupation of any approved dwelling, supporting information to confirm the predicted internal mains water consumption will achieve a maximum level of 110 litres/person/day shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To support a comprehensive approach to high quality design across the site and to achieve water efficiency in accordance with Policy DM2 of the Eastleigh Borough Local Plan (2016-2036).

16) Biodiversity gain strategy and metric:

Notwithstanding the submitted details, the development shall not commence until an updated biodiversity net gain strategy and metric has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate a minimum 10% biodiversity net gain in all categories. The development shall accord with paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 and shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

17) Habitat Management and Monitoring Plan:

If any Biodiversity Net Gain is to be provided on-site, no development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the submitted Biodiversity Gain Plan, has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation. Thereafter those habitats shall be managed and maintained in accordance with the approved details for a minimum period of 30 years following completion.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

18) Implementation of Habitat Management and Monitoring Plan:

If a Habitat Management and Monitoring Plan is required for on-site Biodiversity Net

Gain, notice in writing shall be given to the Local Planning Authority when the:

- a) habitat creation and enhancement works as set out in the HMMP have commenced; and
- b) habitat creation and enhancement works as set out in the HMMP have been completed.

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy DM11 of the Eastleigh Borough Local Plan (2016-2036).

19) Permitted Development:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 [or any order revoking and re-enacting that Order with or without modification], no development permitted by Classes A & E of Part 1 of Schedule 2 of the order shall be carried out without the prior written consent of The Local Planning Authority.

Reason: To protect the amenities of future occupiers by maintaining a useable external amenity space.