

#### **Appendix 4: Local Planning Authority Suggested List of Planning Conditions**

**Site Address:** 17 O'Connell Road, Eastleigh, SO50 9GN

**Appeal Reference:** APP/W1715/W/24/3355788

**Local Planning Authority Application Reference:** F/24/96970

The following list of conditions is put forward by the Local Planning Authority (LPA) on a without prejudice basis. For the avoidance of doubt, the presence of conditions on this list, so far as they pertain to matters the subject of the reasons for refusal as set out within the Council's Decision Notice, do not indicate that the LPA is satisfied that such matters could be adequately addressed by way of planning conditions. Rather their presence is such as to allow a degree of control to be exercised in relation to specific impacts of the development should the Inspector be minded to allow the appeal. In such an event, the LPA respectfully requests that these conditions be imposed.

- (1) The development hereby permitted shall be implemented in accordance with the following plans numbered: 685/010 rev-.

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

- (2) 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) No development shall start until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The development shall only take place in accordance with the approved CEMP which shall include:

- a) the location of temporary site buildings, compounds, construction material and plant storage areas used during construction;
- b) the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges if applicable].
- c) the parking of vehicles of site operatives and visitors;
- d) measures to control the emission of dust and dirt generated by construction;
- e) a scheme for controlling noise and vibration from construction activities (to include piling if proposed);
- f) provision for storage, collection, and disposal of waste from the development during construction period;
- g) measures to prevent mud and dust on the highway during construction;
- h) the erection and maintenance of any security hoarding if proposed;
- i) temporary lighting to be used during construction; and

- j) temporary surface water drainage provisions to mitigate the risk of pollution arising from the construction process.

Reason: To limit the impact the development has on the amenity of the locality, in the interests of highway safety, and to protect biodiversity.

- (4) No development shall start on site until the access, including the footway and/or verge crossing has been constructed in accordance with the approved plans.

Reason: To provide satisfactory access and in the interests of highway safety.

- (5) No development shall start on site until visibility splays from the two vehicle access points fronting O'Connell Road have been secured. Landscaping on the O'Connell Road site boundary shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway, for a distance within 2 metres from the edge of carriageway, and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access visibility and in the interests of highway safety.

- (6) No development, including demolition, shall take place until the following has been submitted to, and approved in writing by, the Local Planning Authority:
  - a) A Report of Preliminary Investigation, comprising a Desk Study, Conceptual Site Model, and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land;
  - b) A site investigation report, documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study; and
  - c) A detailed site specific scheme for remedial works, and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed, and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Investigations, assessments and reports are to be undertaken by a competent person and should comply with UK Land contamination risk management (LCRM) national guidance, including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665 unless otherwise agreed with the LPA.

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

- (7) The development hereby permitted shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 6(c) that any remediation scheme required and approved under the provisions of condition 6(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation). Unless agreed in writing with the LPA such verification shall accord with UK Land contamination risk management (LCRM) national guidance, and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically, such a report would comprise:
- a) A description of the site and its background, and summary of relevant site information;
  - b) A description of the remediation objectives and remedial works carried out; and
  - c) Verification data, including - data (sample locations/analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
  - d) Certificates demonstrating that imported and / or material left in situ is free from contamination, gas / vapour membranes have been installed correctly.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(c).

Reason: To minimise the risk from land contamination for the safety of the property's occupiers.

- (8) No development above slab level shall start until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

- (9) No development above slab level shall start until a 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 treatments] 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: In the interests of the visual amenity of the locality and to safeguard the amenity of neighbouring residents.

- (10) For a period of 5 years after planting, any trees or plants approved as part of the landscaping scheme the subject of condition 9, 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: In the interests of the visual amenity of the locality.

- (11) The development hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient inputs arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such a mitigation package shall address all of the additional nutrient loading upon protected European sites from the development and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of those European Sites, having regard to the conservation objectives for which they are designated. The mitigation package shall be implemented in full and evidence of this provided to the Local Planning Authority in writing prior to first occupation of the development.

Reason: To mitigate the nutrient impacts arising from the development upon the European protected Solent Complex and River Itchen SSSI and SAC in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017.

- (12) Prior to first occupation of the development hereby approved, the vehicle parking, bin storage and secure cycle storage shall be provided in accordance with the approved plans and thereafter permanently retained.

Reason: To make provision for off street parking in the interests of highway safety, encourage sustainable modes of transport and ensure adequate on-site facilities to serve the development.

- (13) Prior to the development hereby approved being brought into use, a minimum of one bat or bird box shall be installed on the building and thereafter retained.

Reason: To secure a net gain for biodiversity.

- (14) Should any imported soils be required for the construction of the development hereby approved, these shall first be demonstrated to be suitable for their intended use and meet the approval of the Local Planning Authority prior to being brought onto site.

Reason: To minimise the risk from land contamination for the safety of the occupier's of the development.

- (15) No construction, demolition or deliveries to the site shall take place during the construction period except between the hours of 0800 to 1800 Mondays to

Fridays or 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect the amenity of the occupiers of nearby dwellings.

- (16) No burning of materials obtained by site clearance or any other source shall take place during the demolition, construction and fitting out process.

Reason: To protect the amenities of the occupiers of nearby properties.