

Appendix 6: Local Planning Authority Suggested List of Planning Conditions

Site Address: Land adjacent to Pear Tree PH, Winchester Road, Southampton, Hampshire, SO32 2DH

Appeal Reference: APP/W1715/W/25/3363580

Local Planning Authority Application Reference: F/24/97934

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: 01, 02 Revision C, 03 Revision C, 04, 05, 06, 08.

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. 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 the construction period;
- g) protection of pedestrian routes during construction;
- h) details of the methodology for ensuring dirt is not transferred onto the highway from the site (i.e. wheel washers), and onwards mitigation should this fail, such as the employment of mechanical road sweepers, and the subsequent refresh of street lining (as and when required) should this be damaged during the process;

- i) the erection and maintenance of security hoardings including any decorative displays and facilities for public viewing, where appropriate;
- j) temporary lighting to be used during construction; and
- k) 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 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 satisfactory surface water drainage for the development.

- (5) No development shall start on site until the access, including the footway and/or verge crossing have been constructed and lines of sight of 2.4 metres by 43.0 metres (minimum) provided in accordance with the approved plan (drawing number 03 Revision C) and the subsequent S278 process. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 1 metre in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

- (6) No development shall start on site until the footway linking the site to the existing footway network adjacent to the Pear Tree Inn has been provided in accordance with the details as shown on approved drawing number 03 Revision C.

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

- (7) Development may not be begun unless a biodiversity gain plan has been submitted to the planning authority and the planning authority has approved the plan.

Reason: To secure a net gain for biodiversity in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

- (8) The development must accord with the arboricultural report reference 241627-AIA. No excavation, demolition or development related works shall commence until the tree protection measures have been installed as per the tree protection plan contained within the report. Once installed, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the protected area. Tree protection measures shall be retained in their

approved form for the duration of the work 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.

- (9) 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 interests of the amenities of the area.

- (10) 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 amenities of residents.

- (11) For a period of 10 years after planting, any trees or plants approved as part of the landscaping scheme the subject of condition 10 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.

- (12) Prior to any development above slab level, details of measures to protect the future occupiers of the development from external sources of noise, including but not necessarily limited to, the operations and activities at the Pear Tree Public House, the adjacent Sewage Pumping Station, and highway and railway noise, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be informed by an updated noise assessment which shall be carried out by a suitably qualified person in accordance with best practice and once approved, they shall be installed in full and be thereafter maintained in working order for the lifetime of the development.

Reason: In the interests of protecting the amenity of the future residents of the development from external sources of noise.

- (13) A watching brief should be followed at all times during construction works and confirmation of this shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to completion of the development. In the event that previously unidentified contamination is found during the watching brief it must be immediately reported to the LPA. Work shall then cease until an investigation and risk assessment, and where required a remediation scheme,

has been submitted to and approved in writing by the LPA. Where a remediation scheme is required, the development shall not be brought into use until a verification report for the remediation work has been submitted to and approved in writing by the LPA. Verification works shall be undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM.

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

- (14) Any re-used soils and imported soils required for the development hereby permitted should be demonstrated to be suitable for their intended end use and meet the approval of the Local Planning Authority prior to use on site.

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

- (15) Prior to first occupation of the development hereby approved, the vehicle parking, bin storage and secure cycle storage as shown on approved drawing number 03 Revision C 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, to encourage the use of sustainable modes of transport, and to ensure that adequate on-site facilities are provided to serve the development.

- (16) Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that order with or without modification] no development permitted by Classes A, B or E of Part 1 of Schedule 2 of the order shall be carried out to the dwellings hereby approved, or within their respective amenity areas (as applicable), without the prior written approval of the Local Planning Authority.

Reason: In the interests of protecting the amenity of the area and to control the impacts of development on the countryside, as well as to ensure that an appropriate level of amenity space is retained for each property.

- (17) 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 amenities of the occupiers of nearby dwellings.

- (18) 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.