

8 December 2022

Dear Member

PLANNING COMMITTEE - WEDNESDAY, 14TH DECEMBER 2022

Please find attached, for consideration at the next meeting of the Planning Committee, taking place on Wednesday, 14th December 2022 the following Appendix to agenda item 4.

Agenda No Item

4. **Update on outline Planning Application 19/10581: Site of Fawley Power Station, Fawley Road, Fawley, SO45 1TW (Pages 3 - 28)**

Appendix A – Proposed Conditions

Yours sincerely

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Appendix A

Proposed Conditions:

1. **Condition 1 – Time Limit for Approval of Reserved Matters**

The first application for the approval of reserved matters shall be made within a period of three years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 15 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Condition 2 – Time Limit for Commencement of Development**

The development shall be begun not later than:

- a) Three years from the date of this permission in the case of the Primary Access Road;
- b) Two years from the final approval of the reserved matters that are relevant to any individual phase of the development in all other cases.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. **Condition 3 – Reserved Matters Details**

No development within any phase of the development (other than the Primary Access Road) shall commence until details of the access arrangements within that phase of the development, the layout, scale and appearance of that phase, and the landscaping within that phase (herein referred to as the “reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development of that development phase shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. **Condition 4 – Parameter Plans**

The reserved matters for each development phase shall fully accord with the Development Parameter Plans comprising: Site Boundary & Ownership

Boundary (1/01 rev A); Demolition / Retention (1/02 rev A); Indicative Character Areas (1/03 rev A); Green Infrastructure, Open Space and SANGs (1/04 rev A); Access and Movement (1/05 rev A); Land Use Ground Floor (1/06 rev A); Land Use First Floor and above (1/07 rev A); Proposed Development Plots and Ground Levels (1/08 rev A); Development Plots Northern Quarter (1A/08 rev A); Development Plots Heart of the Town (1B/08 rev A); Development Plots Southern Quarter (1C/08); Maximum Building Heights Plan (1/09 rev A); Maximum Building Heights Plan – Northern Quarter (1A/09 rev A); Maximum Building Heights Plan – Heart of the Town (1B/09 rev A); Maximum Building Heights Plan – Southern Quarter (1C/09 rev A); Underground Development (1/10 rev A); Existing and Proposed Trees (1/11 rev A).

Reason: To ensure high standards of Urban Design are achieved and maintained; to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context surrounded by the New Forest National Park.

5. Condition 5 – Design Code

The reserved matters for each development phase shall fully accord with the set of rules, instructions and detailed guidance that is applicable to that particular development phase, as set out within the Fawley Waterside Design Code Version 1 – April 2020.

Reason: To ensure high standards of Urban Design are achieved and maintained; to ensure that there is a coordinated and harmonious integration of land uses, built-form and spaces, reflecting the scale and nature of development; and to ensure that the development is responsive to its context surrounded by the New Forest National Park.

6. Condition 6 – Primary Access Road – approval of landscaping

No development in connection with the Primary Access Road shall commence until the detailed landscaping proposals associated with that road, to include detailed tree planting information and a detailed management and maintenance specification, have been submitted to and approved in writing by the Local Planning Authority. The detailed landscaping proposals to be submitted for the Local Planning Authority's approval shall be in accordance with the Landscape Strategy and Access Design that forms part of the Fawley Waterside Design Code Version 1 – April 2020, and substantially in accordance with the following illustrative Fabrik landscape drawings: D2502_L150 rev 05, D25202_L151 rev 05, D2502_L152 rev 05, D25202_L153 rev 05, D2502_L154 rev 05, D2502_L155 rev 04, D2502_L156 rev 04, D2502-L158 rev 05, D2509-L159

rev 04, D2502-L160 rev 04, D2502-L161 rev 04, D2502 0401 rev P5, D2502 0402 rev P5.

Reason: To ensure that the Primary Access Road has a high design quality and an integrated landscape setting, appropriate to the site's context adjacent to the New Forest National Park, and to ensure that the approved landscaping is secured in the long term.

7. **Condition 7 – Primary Access Road – implementation and future maintenance of landscaping**

The detailed landscaping proposals associated with the Primary Access Road shall be carried out in full no later than the first planting season following practical completion of the Primary Access Road. Furthermore, the detailed landscaping proposals associated with Access Road Phase 1 (as defined by Parameter Plan 1/12 rev A) shall be carried out no later than the first planting season following practical completion of this section of the Primary Access Road.

Any trees or plants which within a period of 25 years after planting are removed, die or become seriously damaged or defective shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

The landscaping proposals associated with the Primary Access Road shall otherwise be managed for the lifetime of the development in accordance with the management and maintenance specification approved under Condition 6 of this planning permission.

Reason: To ensure that the Primary Access Road has a high design quality and an integrated landscape setting, appropriate to the site's context adjacent to the New Forest National Park.

8. **Condition 8 – Land Raising**

Before implementing each phase of development approved by this planning permission, no development shall commence in respect of that phase until such time as a scheme for the proposed land raising in that phase has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include precise details of how the land will be raised, together with details of the source of the material to be used to raise levels and how such material will be transported to the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the environmental effects of land raising are appropriately minimised, and to reduce the risk of flooding to the proposed development and its future users.

9. **Condition 9 – Flood Risk Assessment**

The development shall be carried out in accordance with the submitted flood risk assessment (ref 70018569-FRA&DS, dated 16th April 2019, titled Fawley Waterside Flood Risk Assessment and compiled by WSP) and the following mitigation measures it details:

- Finished ground levels shall be set no lower than outlined in Table 4.4 – Proposed Final Ground Levels.
- Finished floor levels shall be set no lower than outlined in Table 4.4 – Proposed Final Ground Levels where it states that property thresholds shall be raised, as a minimum, 0.3m higher than proposed ground levels and as stated in section 4.2.18.
- The proposed flood defences shall be built in accordance with Table 4.2 – Proposed Sea Defence, and shall contain sheet piling as stated in section 4.2.11.
- The proposed sea defences shall be constructed in their entirety prior to the phased residential/commercial occupation of the development as stated in section 4.2.6.

Following implementation, these mitigation measures shall be retained and maintained throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure the structural integrity of the proposed flood defences, thereby reducing the risk of flooding.

10. **Condition 10 – Outline Remediation Strategy**

Both prior to the commencement of development and during its construction, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, the approved Outline Remediation Strategy document ref. 70018569.RS.V3 must be fully adhered to at all times unless otherwise agreed through the submission and approval of individual reserved matters applications.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

11. Condition 11 – Contamination: Investigation & Risk Assessment

Upon submission of reserved matters applications for each phase of development, a detailed investigation and risk assessment (based on Updated Environmental Impact Assessment, WSP, April 2020, ref 70018569) for that phase, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

No development shall commence in respect of the individual development phases unless the detailed investigation and risk assessment for that development phase has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. Condition 12 – Contamination: Detailed Remediation Scheme

Upon submission of reserved matters applications for each phase of development, a detailed remediation scheme to bring the land within each phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, in addition to any assessment provided with the planning application, must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

No development shall commence in respect of the individual development phases unless the detailed remediation strategy for that development phase has been submitted to, and approved in writing by, the Local Planning Authority.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of soil and water pollution in line with paragraphs 170 and 178 of the NPPF.

13. Condition 13 – Contamination: Verification

With respect to each phase of development, any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of each phase of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out in respect of each development phase must be produced, and is subject to the approval in writing of the Local Planning Authority (unless otherwise already approved). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

This condition may be discharged on an individual development phase basis.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraphs 170 and 178 of the National Planning Policy Framework.

14. Condition 14 – Contamination: Reporting of Unexpected Contamination

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken. Where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must

ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, which shall be the subject of approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15. Condition 15 – Piling

Piling or deep foundation using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any proposed piling or deep foundation using penetrative methods, does not harm groundwater resources in line with paragraph 170 of the NPPF.

16. Condition 16 – Noise from Piling

No percussive piling (where it is agreed under condition 15) or works with heavy machinery - i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor- shall be undertaken during the bird overwintering period - i.e. 1st October to 31st March inclusive. (Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site)).

Reason: To ensure the construction of the development does not give rise to a level of noise that would cause unacceptable disturbance to birds using the adjacent Solent and Southampton Water Special Protection Area.

17. Condition 17 – Construction Environmental Management Plan

No development (including the approved demolition) shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be retained and maintained throughout the construction phase. The CEMP shall consider the potential environmental impacts (including noise, vibration and air quality) that the construction stage may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include but not necessarily be restricted to:

- a. Monitoring of Noise and vibration, to include reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation, taking into account relevant guidance such as BS5228.
- b. Where it is necessary to undertake piling on the site, details shall be provided justifying the method of piling used to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- c. Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- d. Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- e. Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- f. Details of parking and traffic management measures.
- g. Measures to control light spill and glare from any floodlighting and security lighting installed.
- h. A dust management plan that is site specific and has regard to the impact on human health and potential for dust soiling. The dust management plan shall take into account relevant guidance.
- i. Pest control.
- j. Details of storage and disposal of waste on site.
- k. Details of biosecurity.
- l. Cleaning and maintenance of tools and equipment.
- m. Additional details and measures to reduce concurrent construction activities.

Reason: To ensure that the environmental impacts of construction and satisfactorily minimised and mitigated.

18. Condition 18 Construction Environmental Management Plan Addendum

A Construction Environmental Management Plan (CEMP) Addendum shall be submitted to and approved by the Local Planning Authority before the commencement of each individual development phase. The CEMP

Addendum shall set out any bespoke Management measures that are proposed in respect of that phase that have not already been agreed through the main CEMP. The CEMP addendum shall take into account any new relevant receptors on site and the approved measures shall be retained and maintained throughout the construction of that development phase.

Reason: To ensure that the environmental effects of each construction phase are satisfactorily minimised and mitigated.

19. Condition 19 – Noise Mitigation measures

Prior to the commencement of the development of each phase of residential development (except archaeological investigations, ground condition investigations and intrusive site surveys and other enabling works; site clearance; soil storage; remedial works in respect of any contamination or any other adverse ground conditions; erection of any temporary means of enclosure and land raising), a noise mitigation scheme in respect of that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that internal and external noise levels for the residential accommodation will not exceed the minimum standards stated in BS8233:2014, paragraphs 7.7.2 [table 4] and 7.7.3.2. The approved scheme shall thereafter be implemented, maintained and retained for the lifetime of the development.

Reason: To ensure that residential properties within the new development have an acceptable noise environment.

20. Condition 20 – Noise: Plant & Equipment

Following the completion of the development, the Noise rating level (L_{A+Tr}) from plant and equipment from non-residential uses shall not exceed the existing background levels of 41dB LA90 between 07:00hrs and 23:00hrs, and 40dB LA90 between 23:00hrs and 07:00hrs in accordance with BS4142:2014+A1:2019.

Reason: To ensure that the noise from such plant and equipment does not adversely affect the amenities of future residents.

21. Condition 21 – Boat Stack: noise control

Use of the boat stack shall not commence until such time as a Noise Management Plan in respect of the use of this building has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include the expected impact of the equipment, identification of sensitive receptors and all proposed mitigation measures. The use of the boat stack shall be carried out in accordance with the Noise Management Plan at all times, and any required plant and equipment shall be installed, retained and maintained in accordance with the Noise Management Plan for the lifetime of the building.

Reason: To ensure the boat stack operates in a way that avoids adverse effects on the amenities of existing and future residents.

22. Condition 22 - Lighting

Prior to the erection of any external lighting on site (excluding lighting associated with the construction phase of the development), a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Set out details of all proposed operational external lighting;
- Include timings of lighting operation;
- Include a lighting plan showing locations and specifications of all proposed lighting;
- Adequately rate phases and areas of the development into appropriate Environmental Zones in accordance with Institute of Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020.
- Demonstrate that vertical illuminance into adjacent habitats has been minimised and avoided, and do not exceed the illuminance in the vertical plane at all windows of sensitive properties of the assigned environmental zone in accordance with table 3 of Institute of Lighting Professional's Guidance Note 1 for the reduction of obtrusive light 2020.

The scheme shall be implemented as approved for the duration of the development.

Reason: To ensure that the level of lighting within the development is acceptably minimised, having regard to the site's context surrounded by the New Forest National Park and adjacent to designated European sites.

23. Condition 23 – Construction Traffic Management Plan

No development hereby permitted shall commence in respect of each individual phase of development until a Construction Traffic Management Plan for that phase, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles within the confines of the site, lorry routeing and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details for each phase shall be implemented before the development of that phase is commenced and shall be retained throughout the duration of the construction of that phase.

Reason: In the interests of highway safety.

24. Condition 24 – Construction Traffic Changes re Phasing references

Prior to the commencement of each individual phase of development, full details of the vehicle cleaning measures proposed for that phase to prevent mud and spoil from vehicles leaving the site shall be submitted to the Local Planning Authority for its written approval. The approved measures shall be implemented before each phase of development commences. Once the relevant phase of development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of that phase of development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

25. Condition 25 – Surface Water Drainage details

No above ground development shall begin in respect of each phase of development until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority for each phase of works. Where there is any interaction of the drainage between phases, the full system must be assessed to ensure certainty of discharge arrangements for future phases. The scheme for each phase shall subsequently be implemented in accordance with the approved details before that phase of development is completed. The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by WSP and shall also include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- b. Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed.
- c. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations.
- d. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
- e. Evidence that urban creep has been included within the calculations.
- f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

26. Condition 26 – Surface Water Drainage: Maintenance

Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted within that phase. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

27. Condition 27 – Archaeology: A Programme of Archaeological Work

No demolition / development shall take place in respect of each phase of development until a programme of archaeological work for that phase, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The Scheme shall include an assessment of significance and research questions; and

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure the archaeological interest of the site is investigated and assessed.

28. Condition 28 – Archaeology: Implementation of Written Scheme of Investigation

No demolition / development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 27.

Reason: To ensure the archaeological interest of the site is adequately investigated.

29. **Condition 29 – Archaeology: Completion and archive deposition**

Each individual phase of development shall not be occupied until the site investigation and post investigation assessment associated with that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 27 and the provision made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure the archaeological interest of the site is adequately investigated and recorded.

30. **Condition 30 – Foul Drainage**

Construction of each development phase shall not commence until details of the proposed means of foul sewerage disposal for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The approved details for each phase of development shall thereafter be implemented in full accordance with the approved details.

Reason: To ensure the foul drainage arrangements for the development are dealt with in an acceptable manner.

31. **Condition 31 - Dwelling Numbers & Development Mix**

The development hereby permitted shall not exceed 1380 dwellings. The detailed designs for the approved development shall substantially accord with the following residential mix, or as otherwise may be agreed through the approval of applications for reserved matters:

1 bedroom Units:	319 Units
2 bedroom Units:	458 Units
3 bedroom Units:	335 Units
4 bedroom plus Units:	268 Units

In addition, with each reserved matters application, the mix of those residential units that have already been built or which have already been granted reserved matters approval shall be specified.

Reason: This is the basis on which the application and the required level of mitigation has been assessed. A material change to the residential mix would affect the level of mitigation that would be necessary to offset the development's impacts, which may not be achievable based on the details that have been submitted in support of the application. Monitoring and Recording of the Development Mix is considered necessary to ensure an

appropriate balance to the new community and to have certainty throughout all phases of the development that necessary mitigation measures are in place.

32. Condition 32 – Hotel

There shall be a maximum of 150 bedrooms within the hotel hereby approved.

Reason: This is the basis on which the application and the required level of mitigation has been assessed. A material increase in the number of bedrooms within the hotel would affect the level of mitigation that would be necessary to offset the development's impacts, which may not be achievable based on the details that have been submitted in support of the application. In addition, the hotel should be of a size appropriate to the size of the new community in which it would be sited.

33. Condition 33 – B2 Use Class Restrictions

No building falling within Use Class B2 of the Town and Country Planning (Use Classes) Order shall be occupied unless a detailed schedule of measures for minimising noise and odour impacts in association the use of that building and its curtilage have first been submitted to and approved in writing by the Local Planning Authority. The building and its external curtilage shall only be occupied if the approved noise and odour measures have been implemented, and the approved measures shall thereafter be maintained and retained for the lifetime of the approved B2 General Industrial use.

Reason: Policy Strategic Site 4 of the New Forest District Local Plan Review 2016-2036 Part 1 requires that B2 uses within the development should have a low environmental impact. Permitting unrestricted B2 occupancy would fail to ensure that the development does have the low environmental impact that is considered an essential requirement in this sensitive context, adjacent to the New Forest National Park.

34. Condition 34 – Open Storage Restrictions

No open storage shall take place on the site in association with the non-residential uses hereby approved, other than marine / boat related storage, which shall be restricted to the Marine Refit Yard as illustrated on Page 52 of the Fawley Waterside Design Code Version 1 – April 2020.

Reason: Open storage uses (other than those related to the marine refit yard) would have a harmful visual impact that would detract significantly from the scheme's overall design quality.

35. Condition 35 – B8 Use Class Restrictions

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, no more than 6500 square metres of floorspace within Use Class B8 (not including the floorspace within the boat stack) shall be provided within the development hereby approved. In addition, notwithstanding the same aforementioned provisions, no building within the development shall subsequently be changed to a use falling within Use Class B8 unless planning permission for that use has first been granted.

Reason: Whilst a limited amount of employment space within Use Class B8 would be justified, the provision of a significant quantum of such floorspace as a proportion of overall employment space would result in a development that would not deliver the economic and environmental benefits of a sustainable community.

36. Condition 36 – Boat Stack Use

The boat stack hereby approved shall not be used for any purpose other than as a dry stack marina for boats, and associated ancillary car parking at ground level only within the building, unless express planning permission has first been granted for any alternative use of this building.

Reason: The boat stack is a large building within the Heart of the Town that is designed to perform a specific function within the new community. The Local Planning Authority would wish to consider any alternative use of this building to ensure that it would complement the adjacent areas of development and avoid adverse impacts on residential amenities.

37. Condition 37 – Retail Floorspace: Convenience Goods

From the commencement of development until the completion of 1000 dwellings, the amount of convenience goods retail floorspace within the development hereby approved shall be restricted to a maximum of 1300 square metres gross floorspace, with the main retail foodstore within the development having a maximum floorspace of 1000 square metres gross.

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary

that the quantum of retail floorspace selling convenience goods comes forward in an appropriate phased manner.

38. Condition 38 – Retail Floorspace: Comparison Goods

The amount of comparison goods retail floorspace within the final completed development shall be no greater than 750 square metres gross (excluding ancillary sales in the main retail foodstore).

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary that the quantum of retail floorspace selling comparison goods is restricted to the level proposed within the Fawley Waterside Supplementary Town Centre Uses Report.

39. Condition 39 – Food and Drink Uses

From the commencement of development until the completion of 700 dwellings, the amount of food and beverage floorspace (Use Classes A3 and A4) within the development shall not exceed 1000 square metres gross. In addition, the amount of such floorspace within the final completed development shall be no greater than 2000 square metres.

Reason: In order to ensure that the development does not adversely affect the vitality and viability of other nearby centres, it is considered necessary that food and drink uses come forward in an appropriate phased manner, and it is also considered necessary to restrict the total amount of floorspace in such uses.

40. Condition 40 – Demolition Requirements

No residential or commercial building shall be constructed or occupied pursuant to this planning permission unless all existing power station structures have been demolished, those structures comprising:

- a) All power station buildings and structures that were proposed to be demolished pursuant to Demolition Prior Notification Applications 19/10131 and 18/11048.
- b) All buildings shown to be demolished on the Demolition Parameter Plan (1/02 rev A), except for the Gate House which shall be demolished before the Primary Access Road has been completed.

Reason: The demolition of all existing power station buildings is considered to be essential if the development is to have an acceptable visual and landscape impact on the New Forest National Park.

41. **Condition 41 – Restrictions of Permitted Development Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any re-enactment of that Order), no extension or alterations otherwise approved by Classes A, B, C or AA of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order, or new dwellinghouse otherwise approved by Part 20 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure that the development's high quality design is secured for the lifetime of the development, and to ensure that the development is not subsequently modified in a way that would be harmful to the special qualities of the New Forest National Park.

42. **Condition 42 - BREEAM requirements**

Before any commercial building with a gross internal area of 250-999 square metres is first occupied (or within an alternative timeframe that has first been agreed in writing by the Local Planning Authority), written documentary evidence demonstrating that any such building achieves a Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard in the water consumption criteria element shall be submitted to the Local Planning Authority for its written approval.

Furthermore, before any building with a gross internal area of 1000 square metres or more is first occupied (or within an alternative timeframe that has been agreed in writing by the Local Planning Authority), written documentary evidence demonstrating that any such building achieves a Building Research Establishment Environmental Assessment Method (BREEAM) excellent standard overall shall be submitted to the Local Planning Authority for its written approval. In all cases, the evidence shall take the form of a post construction certificate as issued by a qualified BREEAM certification body.

Reason: In the interests of resource use and energy consumption in accordance with policy IMPL2 of the New Forest District Local Plan 2016-2036 Part 1: Planning Strategy

43. **Condition 43 – Sustainability requirements**

For each reserved matters application where new buildings are proposed, the development shall be accompanied by a sustainability statement setting out what measures will be incorporated into that part of the development to achieve a sustainable design, with particular reference to the Fawley Waterside Design Code Version 1 – April 2020 (in particular Pages 10-13

and Section 8 of the Code). The approved details shall be implemented in full for each building prior to the occupation of that building.

Reason: In the interests of achieving a sustainable form of construction, in accordance with local and national planning policies.

44. **Condition 44 – Air Quality Assessment**

In respect of each reserved matters application where buildings or car parking spaces are proposed, an air quality assessment shall be submitted to assess the impact of any proposed emission sources on the development site on local air quality. This shall include, but not be limited to, underground car parks, industrial premises, commercial premises, shipping sources and power generation plants. The air quality assessment shall be undertaken in accordance with current guidance, and include cumulative impacts and appropriate mitigation schemes. Any mitigation scheme shall be the subject of agreement with the Local Planning Authority and shall be retained and maintained for the lifetime of the development.

Reason: To ensure that the development does not result in adverse effects on local air quality and to safeguard the amenities of existing and future residents.

45. **Condition 45 - Electric Vehicle Charging Points**

For each reserved matters application where buildings or car parking spaces are proposed, a scheme for the provision of facilities to enable the charging of electric vehicles to serve that part of the development shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and the charge points shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure that opportunities for the provision of electrical charging points are maximised in line with policy expectations.

46. **Condition 46 – Tree Protection**

The existing trees within the development site, which are shown as to be retained, shall be protected during building operations in full accordance with the management practices and protection measures set out in the WSP Detailed Arboricultural Report – Ref: 70018569_AIA_V2 – dated February 2020.

Reason: To ensure that trees that are valuable to the amenities of the area and which will be important to the setting of the development are adequately protected during the construction of the development.

47. **Condition 47 – Travel Plan**

Before any part of the development is first occupied, a Full Travel Plan based on the principles set out in the Markides Associates (Framework) Community Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, Development shall only be implemented and occupied in accordance with the approved Full Travel Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that sustainable modes of travel are duly promoted.

48. **Condition 48 – Phasing: General Scheme Phasing**

No development shall commence in respect of any individual phase within phases 2-8 of the development, as shown on the Indicative Phasing Plan (1/12 rev A), unless development has already commenced in respect of all of the preceding development phases.

Reason: To ensure that the development is provided in an appropriate and comprehensive phased manner.

49. **Condition 49 – Phasing: The canal and extended dock**

The proposed canal and extended dock (shown as Phase 1 works on the Indicative phasing Plan – 01/12 rev A and as defined by the Fawley Waterside Design Code – Version 1 – April 2020) shall be provided in their entirety before any building hereby approved is first occupied, in accordance with detailed designs that have been approved through an application for reserved matters.

Reason: The canal and extended dock are essential components of the high quality design that is proposed, and it is important that the sense of place that will be created through these features is secured at the outset.

50. **Condition 50 – Phasing: The Primary Access Road**

All of the Southern section of The Primary Access Road (highlighted as Access Road Phase 1 on Indicative Phasing Plan 1/12 rev A) shall be provided before the occupation of any dwelling. The remaining sections of

The Primary Access Road shall be provided in full before the occupation of 410 dwellings.

Reason: To ensure that the Primary Access Road is delivered in an appropriate timescale to meet the needs of the development.

51. **Condition 51 – Phasing: The Urban Forest**

The landscaping to the Urban Forest (as defined by parameter plan 1/03 rev A) shall be implemented in full before 800 dwellings within the development have been occupied, in accordance with detailed landscape designs that have been approved through an application for reserved matters, which shall be in line with the Landscape Strategy that forms Section 5 of the Fawley Waterside Design Code – Version 1 – April 2020.

Reason: The Urban Forest is an essential component of the high quality design that is proposed, providing an important buffer between the Northern Quarter and the Heart of the Town. It is important that the benefits of the Urban Forest are secured as soon as possible once the existing temporary uses on the site cease.

52. **Condition 52 - Car & Cycle Parking**

For each reserved matters application, details of the car and cycle parking that is to be provided in association with that phase of development shall be submitted to the Local Planning Authority for its written approval. The approved development on that phase shall not be occupied or made available for public use until the approved car and cycle parking arrangements within that phase have been provided in accordance with the approved plans.

Reason: To ensure that appropriate levels of car and cycle parking are delivered in association with the development.

53. **Condition 53 – Northern Quarter – architectural gateway**

The proposed architectural gateway to the Northern Quarter, as set out in Section 2 of the Fawley Waterside Design Code – Version 1 – April 2020, shall be provided before the occupation of 10,000 square metres of employment floorspace within the Northern Quarter (as defined by parameter plan 1/03 rev A), in accordance with a detailed design that has been approved through an application for reserved matters.

Reason: The architectural gateway is an essential component of the high quality design that is proposed, and it is important that the sense of place and legibility that will be created through this feature is secured.

54. **Condition 54 - Restrictions on future Changes of Use to residential**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, no non-residential building / floorspace hereby approved shall subsequently be converted to residential use unless express planning permission has first been granted.

Reason: In view of the significant amount of non-residential floorspace that is proposed, and the potential for relatively small increases in the number of residential uses to have a significant impact on the adjacent and nearby designated European sites through recreational disturbance, it is considered essential to be able to consider the impacts of any such additional residential development, which would only be acceptable if its impacts are appropriately mitigated.

55. **Condition 55 – Nitrates: Water Efficiency**

No dwelling hereby approved nor the hotel shall be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 100 litres of water per person per day shall be consumed within the dwelling / hotel, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter.

This condition may be discharged on an individual development phase basis.

Reason: There is existing evidence of high levels of nitrogen in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017

56. **Condition 56 - Ecological Measures**

In respect of each reserved matters application, a scheme for delivering biodiversity enhancements in association with that phase of the

development shall be submitted to the Local Planning Authority for its written approval. Where new buildings are proposed, the proposed biodiversity enhancement measures shall detail any provision of bat and bird boxes that are to be incorporated into the development in line with the Fawley Waterside Design Code Version 1 – April 2020. Development shall thereafter only be implemented in accordance with the approved details.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development; and to ensure that a key aspect of sustainability is delivered.

57. Condition 57 - Landscape & Ecological Management Establishment Plan

For each reserved matters application, a Landscape and Ecological Management Establishment Plan shall be submitted, comprising a detailed specification for how the landscape and ecological features within that phase of the development are to be maintained and managed, having regard to the principles set out within the Landscape Strategy of the Fawley Waterside Design Code Volume 1 – April 2020 and the principles set out in drawing number L-330 (Ecological Mitigation Plan). The landscape and ecological features shall thereafter be maintained and managed in full accordance with the approved specification / Plan for the lifetime of the development.

Reason: To ensure that the landscape and ecological assets within the development are maintained and managed in a way that will secure long term benefits.

58. Condition 58 – Biodiversity Net Gain: Implementation, Monitoring and Management

Prior to the commencement of development a Biodiversity Net Gain Implementation, Monitoring and Management Plan (covering the application site and other adjacent land within the applicant's control) shall be submitted to and approved in writing by the local planning authority. The Plan must set out the measures that will be undertaken ensure that a minimum 10% increase in biodiversity will be achieved through the different phases of development, and must apply for a minimum period of 30 years following the completion of the development and include:

- Methods for delivering Biodiversity Net Gain.
- A description of the habitats to be managed.
- Ecological trends and constraints on site that might influence management.
- Timed and measurable objectives in the short, medium, and long-term for achieving Biodiversity Net Gain, including

detailed objectives for all habitats (target condition) and key indicators for measuring success.

- Appropriate management options and actions for achieving aims and objectives.
- The preparation of a work schedule.
- Key milestones for reviewing the monitoring.
- A standard format for collection of monitoring data.
- The Identification and definition of set monitoring points (representing the key habitats on site) where photographs can be taken as part of monitoring to record the status of habitats on site.
- The measures that will be undertaken for reporting results to the Local Planning Authority.

Development must be carried out in full accordance with the measures within the approved Plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: It is essential that the development delivers a minimum 10% uplift in the site's biodiversity value in accordance with the policies of the New Forest District Local Plan Review 2016-2036.

59. Condition 59 - Crime Prevention

For each reserved matters application where new buildings or areas of public realm are proposed, details of the measures that will be incorporated into that part of the development to minimise the risk of crime in accordance with Secured by Design principles shall be submitted to the Local Planning Authority for its written approval. Thereafter, development shall only be implemented fully in accordance with the approved details.

Reason: In the interests of reducing crime and disorder in accordance with local and national planning policy.

60. Condition 60 – Telecommunications

For each reserved matters application where occupiable buildings are proposed, details of a technology and communication strategy for the provision of high speed fibre broadband, fibre optic and audio visual technology shall be submitted to the Local Planning Authority for its written approval. Thereafter, the approved infrastructure must be provided for use prior to first occupation of each occupiable building within the development and retained thereafter.

Reason: To improve the opportunities to work from home and to reduce the proliferation of masts, aerials and wiring on flatted and commercial blocks, in the interests of visual amenity.

61. **Condition 61 - Equipment to Commercial / Food and Drink Premises**

Any reserved matters application which seeks approval for new commercial and / or food premises must be submitted with full details of arrangements for air handling, odour control (including all ducts and flues) and the necessary noise control measures. The works detailed in an approved scheme shall be installed in their entirety before the uses that are the subject of this condition are first occupied. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.

Reason In the interest of residential amenity.

62. **Condition 62 - Commercial Premises: Opening and Delivery Hours**

Any reserved matters application which seeks approval for new commercial and/or food premises must be submitted with full details of the proposed opening hours, including delivery hours. Opening and delivery hours shall be agreed in writing with the Local Planning Authority before the use commences, and the uses shall thereafter only be occupied in accordance with the approved details.

Reason In the interests of residential amenity.

63. **Condition 63 - Waste Collection Strategy**

All applications for the approval of reserved matters relating to occupiable buildings shall be accompanied by a waste collection strategy in relation to the relevant phase. The development shall be carried out and thereafter maintained in full accordance with the approved details.

Reason: To ensure a satisfactory form of development.

64. **Condition 64 - No burning of materials**

No materials obtained from site clearance or from the construction of the development shall be burnt on site.

Reason To ensure that the construction period does not have a detrimental impact on the environment.

65. **Condition 65 - Approved Plans**

The development permitted shall be carried out in accordance with the following approved plans and particulars:

Parameter Plans

1/01 rev A – Application Site boundary and ownership boundary
 1/02 rev A – Demolition and Retention
 1/03 rev A – Character Areas
 1/04 rev A – Green Infrastructure, open space and SANGs
 1/05 rev A – Access and Movement
 1/06 rev A – Land Use Ground Floor
 1/07 rev A – Land Use first floor and above
 1/08 rev A – Proposed development plots and ground levels
 1A/08 rev A – Proposed development plots Northern Quarter
 1B/08 rev A – Proposed development plots Heart of Town
 1C/08 rev A – Proposed development plots Southern Quarter
 1/09 rev A – Maximum Building Heights Plan
 1A/09 rev A – Maximum Building Heights Plan Northern Quarter
 1B/09 rev A – Maximum Building Heights Plan Heart of Town
 1C/09 rev A – Maximum Building Heights Plan Southern Quarter
 1/10 rev A – Underground Development
 1/11 rev A – Existing and Proposed Trees

Means of Access Plans

16031-MA-AC-XX-SK-C-0001 – Location Plan rev P02
 16031-MA-AC-XX-SK-C-0002 – Highway Land Plan P02
 16031-MA-AC-XX-SK-C-0100 – General Arrangement Plan 1 of 7 rev P03
 16031-MA-AC-XX-SK-C-0101 - General Arrangement Plan 2 of 7 rev P03
 16031-MA-AC-XX-SK-C-0102 - General Arrangement Plan 3 of 7 rev P03
 16031-MA-AC-XX-SK-C-0103 - General Arrangement Plan 4 of 7 rev P03
 16031-MA-AC-XX-SK-C-0104 - General Arrangement Plan 5 of 7 rev P03
 16031-MA-AC-XX-SK-C-0105 - General Arrangement Plan 6 of 7 rev P03
 16031-MA-AC-XX-SK-C-0106 - General Arrangement Plan 7 of 7 rev P03
 16031-MA-AC-XX-SK-C – Swept Path Analysis Northern Access Junction
 Rev P02
 16031-MA-AC-XX-SK-C-0111 - Swept Path Analysis Northern Quarter
 Access Autotrack Analysis Rev P02
 16031-MA-AC-XX-SK-C-0112 - Swept Path Analysis Northern Quarter
 Access (2-way flow) Rev P02
 16031-MA-AC-XX-SK-C-0113 - Swept Path Analysis Western Road Halfway
 Road Rev P02
 16031-MA-AC-XX-SK-C-0114 - Swept Path Analysis Car Park 1 & 2 (Sheet
 1 of 2) Rev P02
 16031-MA-AC-XX-SK-C-0115 - Swept Path Analysis Car Park 1 & 2 (Sheet
 2 of 2) Rev P02
 16031-MA-AC-XX-SK-C-0116 - Swept Path Analysis Service Access,
 Surface Car Park & Southern Quarter (Sheet 1 of 2) rev P02
 16031-MA-AC-XX-SK-C-0117 - Swept Path Analysis Service Access,
 Surface Car Park & Southern Quarter (Sheet 2 of 2) rev P02
 16031-MA-AC-XX-SK-C-0118 - Swept Path Analysis Southern Quarter
 Access rev P02
 16031-MA-AC-XX-SK-C-0119 - Swept Path Analysis Service Access 16.5m
 Articulated Vehicle rev P02
 16031-MA-AC-XX-SK-C-0150 – B3053 South Indicative Traffic Calming
 Locations rev P01
 16031-MA-AC-XX-SK-C-0500 – Drainage Strategy 1 of 7 rev P02

16031-MA-AC-XX-SK-C-0501 - Drainage Strategy 2 of 7 rev P02
16031-MA-AC-XX-SK-C-0502 - Drainage Strategy 3 of 7 rev P02
16031-MA-AC-XX-SK-C-0503 - Drainage Strategy 4 of 7 rev P02
16031-MA-AC-XX-SK-C-0504 - Drainage Strategy 5 of 7 rev P02
16031-MA-AC-XX-SK-C-0505 - Drainage Strategy 6 of 7 rev P02
16031-MA-AC-XX-SK-C-0506 - Drainage Strategy 7 of 7 rev P02
16031-MA-AC-XX-SK-C-0600 – Earthworks rev P02
16031-MA-AC-XX-SK-C-2600 – Highway Longsections 1 of 3 P02
16031-MA-AC-XX-SK-C-2601 - Highway Longsections 2 of 3 P02
16031-MA-AC-XX-SK-C-2602 - Highway Longsections 3 of 3 P02
16031-MA-AC-XX-SK-C-2610 – Typical Cross Sections 1 of 3 P02
16031-MA-AC-XX-SK-C-2611 - Typical Cross Sections 2 of 3 P02
16031-MA-AC-XX-SK-C-2612 - Typical Cross Sections 3 of 3 P02
16031-MA-AC-XX-SK-C-4050 – Proposed Materials Location Plan P02
16031-MA-AC-XX-SK-C-4051 – Proposed Materials Construction Details (1 of 2) rev P02
16031-MA-AC-XX-SK-C-4052 - Proposed Materials Construction Details (2 of 2) rev P02

Application Documents

Revised Development Specification (Deloitte - July 2020)
Fawley Waterside Design Code Version 1 – April 2020 (Ben Pentreath)

Definitions:

For the purposes of the above conditions, the word 'phase' should be taken as relating to any individual reserved matters application, except where explicit reference is made to Parameter Plan 1/12 rev A where the word 'phase' should be taken as relating to the specific phases of development shown on that plan.