

**Application Number:** 18/11032 Full Planning Permission

**Site:** Land off LIME KILN LANE, HOLBURY, FAWLEY

**Development:** 4 blocks comprising 26 units (Use Class B1c/B2/B8); parking; cycle/refuse storage; landscaping; fencing

**Applicant:** Glenmore Commercial Estates

**Target Date:** 30/10/2018

**Extension Date:** 15/03/2019

<b>RECOMMENDATION:</b> Service Man Planning Grant
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<b>Case Officer:</b> Jim Bennett
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## 1 REASON FOR COMMITTEE CONSIDERATION

Recommendation is contrary to Policy CS4 which requires new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard.

## 2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up Area  
Employment Allocation  
HSE Consultation Zone  
Tree Preservation Order: No:1441/34/88

## 3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

### Core Strategy

CS2: Design quality  
CS4: Energy and resource use  
CS5: Safe and healthy communities  
CS10: The spatial strategy  
CS17: Employment and economic development  
CS18: New provision for industrial and office development and related uses  
CS23: Transport proposals  
CS24: Transport considerations

### Local Plan Part 2 - Sites and Development Management Development Plan Document

HAR1: Land adjoining Hardley Industrial Estate

## 4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

## **5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

Parking Standards SPD (Oct 2012)

## **6 RELEVANT PLANNING HISTORY**

- 6.1 00/68900 - Extant planning permission to develop this site with offices and light industrial units, (granted May 2001 at the same time as the 67 dwellings to the south)
- 6.2 01/73687 - 40 affordable dwellings - refused March 2002 as it involved residential development on land specifically allocated for use as an employment site and failure to secure the provision of the required levels of affordable housing and public open space.
- 6.3 06/89222 - 3 buildings for B1 (business), B2 (general industry) and B8 (storage) use - refused March 2007 as the Local Authority was not satisfied that the B2 use proposed could be satisfactorily accommodated within the proposed development without causing unreasonable harm to the occupiers of residential properties to the south, through noise disturbance and pollution. Concerns were also raised over tree impacts and landscaping provision.
- 6.4 07/90281 - 3 buildings for B1 (business) and B8 (storage) use- granted September 2007
- 6.5 10/95910 - 3 buildings for B1 (business) and B8 (storage) use- granted November 2010
- 6.6 12/99387 - 70 bedroom care home and 14 dwellings - withdrawn March 2013.
- 6.7 15/10276 - 24 houses; office; open space (outline application) - refused September 2015 as the proposed development would result in the unjustified loss of an allocated employment site; harm to the character of the area, failure to demonstrate that the proposed development would not adversely affect protected species (reptiles); inadequate access arrangement; non provision for the parking of cycles; detriment to the amenities of a neighbouring dwelling; adverse impact upon the pipeline along the site's Lime Kiln Lane frontage; failure to secure a contribution toward affordable housing and failure to secure the provision of public open space on the site or make any contribution. - Appeal dismissed
- 6.8 17/11066 - 6 Office/industrial buildings (Lawful Development Certificate) - Was Lawful August 2017
- 6.9 No pre-application advice was sought on the form and type of development now proposed.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council - recommend permission.

## **8 COUNCILLOR COMMENTS**

None

## 9 CONSULTEE COMMENTS

- 9.1 Southern Water: no objections subject to informatives and a condition to ensure details of foul and surface water sewerage disposal are provided.
- 9.2 Environmental Health Contaminated Land: a Site Investigation Report dated June 2018, undertaken by Crossfield Consulting, was submitted with the application. The conceptual site model identified no plausible pollutant linkages, and all results of samples taken are below the relevant human health generic assessment criteria (GACs) for the proposed commercial use of the site. There is no unacceptable risk to controlled waters associated with the ground conditions on site. Therefore no remediation is required for the proposed development and no planning conditions are required.
- 9.3 Tree Officer: there are a number of large mature trees along the north western boundary of this site and adjacent to the north east boundary. These trees are protected by a TPO and are a constraint to development. The site itself has not been managed for some time and scrub species have proliferated. However none have grown into specimens that are worthy of protection or considered a constraint to development. An Arboricultural Method Statement provides details on how the mature protected trees will be retained/protected throughout the construction of this proposal. Provided the tree protection measures are followed then this proposal can be constructed with minimal impact on the trees. There is adequate separation between the proposed buildings and the trees to the north of the development and there should not be pressure from future occupiers of the industrial/storage units to prune or remove trees. No objections, subject to a tree protection condition.
- 9.4 Environmental Design Team (Landscape): Following receipt of amended plans initial discrepancies have now been resolved to show acceptable fencing on all boundaries although details of the 2.5m high acoustic fence need to be clarified. The layout has loosened fractionally and now provides access through the site to the adjoining footpath/cycleway network. The revised proposed soft landscape scheme addresses appropriately the boundaries in particular, with suitable species and meadow managed areas of grass, although it would be worth considering articulating the northern fence line to the hard surfacing to allow the grassland areas to be part of the footpath route. This would certainly enhance the footpath users experience, however the fence is permeable enough to allow the enhancement to biodiversity to readily access the various habitats. Either way the grassland should be managed very lightly to achieve the net gain in biodiversity for the site. The buffer on the southern edge has deepened and now wraps the car parking spaces along the access. While the linear arrangement of tree planting is not a true reflection of local landscape character, it will in time provide a valuable foil to the proposed southern elevations of blocks B and C, and it is good to see the large stock size proposed. Ideally some of the hawthorn should be tagged to allow to grow to a standard tree to help break up the linear arrangement of the maples and provide a more layered vegetation buffer. The connection of the existing cycleway to Roman Road needs to be addressed.
- 9.5 Hampshire County Council Highway Engineer: The comments below are in response to the amended plans and revised Transport Statement submitted by the applicant following previous comments raised by the

highway authority over swept path analysis and whether the proposal was compliant with Policy HAR1 which requires "*provision of lorry turning space incorporated into the design of the access Lime Kiln Lane*". Having reviewed the latest Technical Note submitted on 18/01/2019, it is considered that the above issues have been addressed satisfactorily. The applicant has agreed to improve the existing footpath adjacent to the northern boundary of the site to a shared use foot/cycle way. As this path is currently a footpath, it would need to be upgraded to a cycle track or bridleway. The easiest way to achieve this is through a dedication from the landowner, but we could complete a legal order to add higher rights. A highway agreement (S278) will be required for improvement works to be carried out for this route. No objection, subject to conditions to secure footpath improvements, to ensure adequate access, turning and car/cycle parking is provided, a Construction Management Plan, a Travel Plan and a Delivery and Servicing Plan.

- 9.6 Environmental Health (Pollution): An amended noise report by ALN Acoustic Design was requested to address concerns in relation to noise, in order to ensure there are no significant adverse impacts on neighbouring properties. The report appears to have addressed the majority of the concerns raised and clarified some outstanding points, however, there remain some concerns that noise may cause adverse effects to some properties on the boundary to the site during any impact noise that may occur. It is accepted that new development may cause some additional noise and the applicant has tried to address these concerns, but strong concerns remain whereby at least one property will be at potential risk of significant adverse impacts. The amended noise report fails to consider the potential adverse impacts on the single property that will not be protected by the acoustic barrier to the south of the site. It is acknowledged that the property sits on the boundary and any acoustic barrier will affect light, but as this is thought to be a non-habitable room it is also considered that noise is the overriding factor and should be mitigated sufficiently in order for this application to be acceptable. No objection, subject to conditions to ensure adjoining residential properties are protected from noise and light pollution that may arise from commercial activities on the site. Also give informative.
- 9.7 Ecologist: The ecological information is broadly suitable and establishes that there are some losses to biodiversity interests and disturbance to protected species. Details confirm that the reptile survey and translocation/site clearance has occurred broadly in accordance with current interpretation of national guidelines and provide recommendations for compensation or enhancement. Provided these are in conformity with the landscape approach, their implementation would be welcomed. Suitable measures for mitigating impacts are required. Currently the detail of these is lacking and are also relatively modest given the scale of development and impacts. The Council should secure final details via condition or submission of further details of biodiversity enhancement. It would be advisable to include suitable provision for species in building plans (i.e. swift bricks). Works should also be conditioned to be carried out and maintained thereafter in accordance with the method statements and plans within V2 of the Ecology report.
- 9.8 Economic Development: support. This application closely aligns with the objective within the New Forest District Council Economic Development Strategy (2018-23) which states "Work to facilitate the increased number of flexible/incubator business units and/or those suitable for business

expansion". It is important that this employment allocated site is retained for its intended purposes and this demonstrates a suitable use in the local context. The proposed development sits adjacent to the well occupied and successful Hardley Industrial Estate and the construction of these units would provide an alternative high specification, modern facility which would complement the existing offer. The units themselves would provide a suitable base for new and expanding businesses, again facilities which are in short supply in this part of the waterside. In line with the Economic Development Strategy objective of "Continue and further develop a programme to facilitate the growth of indigenous business", they would match the profile of the almost 800 businesses employing fewer than 10 people in the immediate district wards. It is particularly important that scale-up units are provided for these smaller businesses so that the district can retain the economic benefit which they bring through their employment and associated supply chains.

- 9.9 Hampshire County Council Rights of Way: Fawley Footpath 33 is located to the northern boundary of the development site. The proposals detail that the path surface will be upgraded to gravel. As the development is likely to cause increased footfall on this path it is likely to have a significant adverse impact on the public right of way if the proposed enhancements were not provided. No objection provided that an upgrade of the surface of the public right of way either by highway agreement (to include a commuted sum for future maintenance of the upgraded asset) or developer contribution is secured through the S106.
- 9.9 Health and Safety Executive - Does not advise, on safety grounds, against the granting of planning permission.
- 9.10 Hampshire County Council Surface Water Drainage: require further information on the proposals for plans of surface water drainage and any SuDS featured in the scheme. A more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels to carry out a detailed check against the micro drainage calculations provided and information on the correct level of water treatment.

## **10 REPRESENTATIONS RECEIVED**

Representations have been received from 4 occupiers of Harrier Green raising the following concerns:

- A 3.5M acoustic fence will impact on outlook and take away light.
- There are enough light industrial units on the Hardley Industrial Estate
- Traffic congestion
- Loss of highway safety
- Pollution associated with noise, disturbance, light, traffic and odour
- Loss of privacy
- Loss of light
- Bins are located very close to the bottom of our gardens
- The site should be used for housing

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application.

## **13 WORKING WITH THE APPLICANT/AGENT**

The planning history of this site has seen proposals for employment and more recently housing resisted by the Council. No pre-application advice was sought by the applicant prior to submission of the application. While the Council recognises that the principle of employment development on this site is acceptable, that view is on the proviso that the concerns raised over the form of development and residential amenity impacts are overcome. Following a meeting with the applicant's team, attended by all of the relevant consultees, to resolve the problems and subsequent negotiations, the alterations made to the proposed plans were considered sufficient to overcome the Council's concerns and in this instance the amended submission is considered to be acceptable, subject to clear justification re BREEAM.

## **14 ASSESSMENT**

### **14.1 The Site and Proposal**

14.1.1 The site lies within the built up area of Fawley on a site between an industrial/commercial area to the north and a residential area to the south (Harrier Green). The site is relatively level and is currently undeveloped and vacant land, but has been colonised by scrub vegetation. There is a line of trees on the site's northern boundary, beyond the line of a public footpath, which are protected by TPO. The Development Plan formally allocates the site for industrial / office and business development under Local Plan Policy HAR1. The site is accessed directly from Lime Kiln Lane to the west.

14.1.2 The plans relate to provision of 26 no. Use Class B1c, B2 and B8 units, arranged in four blocks within the site. A modest level of landscaping would be provided around the site peripheries. The units would be constructed of composite wall and roofing panels and red brick. 58 car parking spaces would be provided for the development. Accommodation would be provided at ground floor level, with first floor mezzanines in some units taking total floor space to 3,082 sq.m. 24 hour operation is specified on the application form.

14.1.3 The application is accompanied by a host of supporting documents and the relevant consultees have been consulted for their views and has been subject to a significant level of post submission negotiation.

### **14.2 The Principle of Employment Development**

14.2.1 The site is designated for employment development under Policy HAR1. Policies CS17 and CS18 of the Core Strategy refer to employment and economic development and new provision for industrial and office development and related uses. The thrust of Policies HAR1, CS17 and CS18 is supportive of industrial development and overall the proposed development would help to meet Core Strategy objectives which seek to foster the well-being of the local economy. However, the proposed uses need to be considered in light of other material considerations. The planning history of the site and policy context is pertinent to consideration of employment use of the site.

- 14.2.2 There is an existing unimplemented planning permission on the site for 6 offices and industrial buildings, granted at the same time as the residential development to the south, in May 2001. A condition restricted the use of the buildings to B1 light industrial/office uses only, (B2 general industrial uses being precluded to minimise impact on the adjoining residential properties). As part of this permission, there was also a requirement to install a willow wall (a form of natural acoustic barrier) along the southern boundary of the site, along with a landscaped buffer to the residential area. While the housing element of this permission has been implemented, the employment aspect and willow wall were not implemented.
- 14.2.3 More recently, in March 2007 a proposal for 3 buildings to be used for B1 (business), B2 (general industry) and B8 (storage) use was refused due to the unreasonable harm to the occupiers of residential properties to the south, tree impacts and landscaping concerns. In 2007, planning permission was granted for 3 buildings for a flexible B1/B8 use, covering offices, light industrial uses, and storage and distribution uses. The proposal was similar to the one refused in March 2007, but excluded the B2 use and included an acoustic willow wall and landscape buffer to the residential site, all in the interests of preserving the amenity of residential occupiers. That application was renewed in 2010, which has now lapsed. These applications differed from the current scheme in that they proposed diversion of the footpath on the northern boundary of the site to facilitate provision of the quantum of floorspace sought, as well as the landscape buffer to the residential site
- 14.2.4 The basic policy designation has not changed, although the proposal must now be judged in the light of the Council's Core Strategy policies; most specifically Policy HAR1, which allocates the site for industrial, office and business development subject to a number of criteria. These include a requirement for the existing trees and footpath along the northern boundary of the site to be retained and a requirement for a landscape buffer to be provided between the site and the adjacent dwellings to the south. There is also a more general requirement that the development is designed to minimise impact on residential amenities. The principle of employment development on this site may be supported, subject to other material planning considerations outlined below.

### 14.3 Impacts upon adjoining residential amenity

- 14.3.1 Policy CS2 places emphasis upon protecting the amenity of adjoining occupiers, who may be affected by new development proposals. This application proposes a similar development to that in 2006 for B1, B2 and B8 development on the site, which was refused on grounds of potential conflict with the residential use to the south posed by B2 (general industrial) development. The application is accompanied by a noise report which has been considered by the Environmental Health Officer in order to establish whether the development could take place without unreasonably affecting the amenities of adjacent residential properties through noise disturbance.
- 14.3.2 Units 1, 5, 6, 14 and 15 are located approximately 14m away from the boundary of residential properties in Harrier Green. The bolstered landscaping buffer and degree of separation dictate that the buildings would not affect the light or outlook of those properties or be unduly

overbearing. These units and Unit 25 do have first floor windows in the southern elevation, which could offer overlooking opportunities. A condition is therefore proposed requiring these windows to be obscure glazed and fixed shut other than 1.7m above floor level. Unit 25 is closer to residential properties (minimum distance 5m) but has been sited in a way which would ensure that privacy, light and outlook to the rear of adjacent residential properties would not be unreasonably affected. The applicant was requested to reduce the height of the acoustic fence adjoining Harrier Green from 3.5m to 2.5m to limit the oppressive nature of such a high structure in close proximity to residential curtilages. It is considered that a 2.5m high fence would be acceptable in terms of its visual impact and impact on outlook from dwellings, particularly following widening of the landscaped buffer and subject to clarification over its final design, materials and appearance.

14.3.3 While there is no objection in principle to employment uses on this site, the potential impact of some of these uses on the residential properties to the south must be considered. A B2 general industrial use in particular, is one which would be likely to generate noise and pollution which could cause unreasonable disturbance to adjacent residential properties, taking into account that the nearest residential property is only 5m away from one of the industrial units. A B8 use may also cause unreasonable disturbance, if deliveries and vehicle movements are not controlled. The original submission proposed unlimited operating hours and uses within buildings, although in light of the Environmental Health Officer's initial comments, modifications have been proposed by the applicant to limit the use of certain buildings, to control the hours of operation and limit the hours of delivery by service vehicles. Having reviewed the updated noise report, the Environmental Health Officer considers that the report has addressed the majority of the concerns raised and clarified some outstanding points. However, concerns remain that at least one property will be at potential risk of significant adverse impacts as the acoustic barrier to the south of the site is not continuous. It is acknowledged that the property sits on the boundary and any acoustic barrier will affect light to a window, but noise should be mitigated in order for this application to be acceptable. The Environmental Health Section are now satisfied with the submission, subject to conditions to ensure adjoining residential properties are adequately protected from noise and light pollution. It is concluded that, subject to conditions, the proposal would be acceptable in relation to the amenities of residential properties in accordance with Policy CS2 and written justification to Policy HAR1.

#### 14.4 Design and Character impacts

14.4.1 Policy CS2 of the Core Strategy relates to design quality and among other things, seeks to ensure that development does not impact adversely on the character of the area. It should be considered whether this proposal would be in context with the character of the area. Among other things Policy HAR1 requires a landscape buffer to be provided between the new employment site and housing to the south, which would help to secure an appropriate visual screen with the dwellings.

14.4.2 The buildings proposed are typical industrial/office buildings and would not appear incongruous or out of place within this particular context. However, the proposal does not include an appropriate landscape buffer.



- 14.4.3 Following receipt of amended plans, initial discrepancies identified by the Landscape Team have now been resolved. The layout has loosened and the revised proposed soft landscape scheme addresses appropriately the boundaries in particular, although it would be worth considering articulating the northern fence line to the hard surfacing to allow the grassland areas to be part of the footpath route. The buffer on the southern edge has deepened and now wraps the car parking spaces along the access. The buffer will, in time, provide a valuable foil to the proposed southern elevations of blocks B and C. The amended plans show acceptable fencing on all boundaries although details of the 2.5m high acoustic fence need to be clarified.
- 14.4.4 The landscape Team note that the connection of the existing cycleway to Roman Road needs to be addressed. The applicant has been approached on this matter and understand the 30m connection is highways land. On this basis it is considered that arrangements to complete the connection could be made under the provisions of a highway agreement with the County Council, which is expanded upon in section 14.5.2 below.
- 14.4.6 Overall, the amended plans have addressed initial concerns over the layout and character impacts of the development, in accordance with Policies CS2 and HAR1.

#### 14.5 Highway and Footway Impacts

- 14.5.1 The Highway Authority was consulted on the acceptability of the Transport Assessment as well as the proposed access and parking arrangements. They raised initial concerns and attended a meeting with the applicant to discuss those concerns, which revolved around swept path analysis and lorry turning facilities. Amended and additional plans and information were subsequently provided which the Highway Authority have reviewed. They raise no objection to the amended proposals, subject to conditions to secure footpath improvements, to ensure adequate access, turning and car/cycle parking is provided, a Construction Management Plan, a Travel Plan and a Delivery and Servicing Plan.
- 14.5.2 Fawley Footpath 33 is located to the northern boundary of the development site and it is proposed that the path surface be upgraded and widened. The applicant has agreed to improve the existing footpath adjacent to the northern boundary of the site to a shared use foot/cycle way. As this path is currently a footpath, it would need to be upgraded to a cycle track or bridleway. The Hampshire County Council Rights of Way Section raise no objections provided that the surface of the public right of way is upgraded, either by highway agreement or developer contribution secured through the S106. The County Highway Authority consider that the easiest way to achieve this is through a dedication from the landowner, with a legal order completed between HCC and applicant to add higher rights. A highway agreement (S278) will be required for improvement works to be carried out for this route and it may be the case that this could be extended to the portion of Fawley FP33 that extends beyond land within the applicant's ownership to Roman Road to the east, although this will depend on land ownership. As the footpath falls within the applicant's land ownership and site boundary, it is considered that these matters could be addressed by condition and an informative advising the applicant to enter a highway agreement with the County Council to facilitate appropriate provision of and future maintenance of the footpath.

15.5.3 Consequently the proposal complies with the highway related provisions of Policy CS10(c) and Policy HAR1, which seek to ensure that development is accessible and that any adverse impacts of traffic and parking are minimised, subject to conditions and informatives.

#### 14.6 Tree and Ecology Impacts

14.6.1 The development is set away from protected trees along the northern boundary and an arboricultural survey accompanies the application. The Council's Tree Officer is satisfied that the development can be implemented without causing harm to protected trees, subject to conditions.

14.6.2 The application is accompanied by an ecological report which concludes that the site has limited biodiversity interest. The Ecologist is satisfied the development will have an acceptable ecological impact subject to a condition on nesting birds.

#### 14.7 BREEAM

14.7.1 Policy CS4 requires new commercial developments over 1000 sq.m to achieve BREEAM 'excellent' standard. A BREEAM 2018 Pre-assessment Report was submitted with the application which indicated that the buildings would achieve a 'very good' rating, but did not make any specific reference to the Policy CS4 requirement to achieve an 'excellent' standard post 2016. In the absence of justification to depart from adopted policy, the proposal is contrary to Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

14.7.2 The applicant explains through an updated BREEAM Pre-Assessment that a score of 56.03% (Very Good) may be expected. While the Pre-Assessment demonstrates that the mandatory requirements for a BREEAM Excellent rating may be achieved by the proposed development, it is not technically feasible for the proposed development to meet the required score (>70%) target within the revised BREEAM 2018 criteria at this time. Officers accept that achieving the 'Excellent' standard in portal framed buildings, intended for industrial purposes has proved problematic in the past and bearing in mind the applicant has submitted a BREEAM report that indicates that the 'Excellent' standard sought under policy CS4 is not technically achievable, a departure from the provisions of Policy CS4 may be acceptable in this instance. The report indicates that the building is capable of achieving a 'Very Good' rating but additional information is required to show this is the maximum that can be achieved overall and as the scheme develops.

#### 14.8 Other Matters

14.8.1 The application site is within the Fawley Major Hazard Consultation Zone (partly middle and partly outer). The Health and Safety Executive raise no objections to the proposal.

14.8.2 The County Drainage Authority require further information on the proposals for plans of surface water drainage and any SuDS featured in the scheme. A more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels to carry out a detailed check against the micro drainage calculations provided and information on the correct level of water treatment. It is considered that these matters could be addressed by a pre-commencement condition and cannot substantiate a reason for refusal.

14.8.3 With regard to the comments of notified parties, which are not addressed above, the proposal does not include any bin areas close to the gardens of Harrier Green. Bin areas are generally located to the northern portion of the site. While adjoining occupiers express a preference for housing on the site, the site has been allocated for employment purposes, even prior to erection of the dwellings at Harrier Green. Consequently, housing development would not be supported by the Council on policy grounds.

#### 14.9 Conclusion

14.9.1 Concerns initially identified in terms of impact on neighbouring properties, highways and impact on the character of the area have been addressed by amended plans. While the proposal does not achieve the BREEAM excellent standard, the applicant has provided some justification and on balance the benefits derived in providing new employment opportunities on land allocated for employment purposes may outweigh the disbenefits of failing to meet the 'Excellent' standard. However, additional information is required in this respect.

14.9.2 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

## 15. **RECOMMENDATION**

That the Development Service Manager be **AUTHORISED TO GRANT PERMISSION** subject to:

- i) the receipt of additional information clearly showing why the minimum that can be achieved at this time is BREEAM Very Good
- ii) the imposition of the conditions as set out below, (modified if required to reflect i):

### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the application plans numbered as follows: 6269-A-001 P4, 6269-A-100 P15, 6269-A-110 P3, 6269-A-111 P3, 6269-A-112 P2, 6269-A-113 P2, 6269-A-200 P2, 6269-A-201 P2, 6269-A-202 P2, 6269-A-203 P2, 6269-A-250-A-P0, 6269-A-600 P2, 1151/011 Rev F - Landscape Plan, Landscape Management Plan dated 15/01/19, Ecosa Ecological Impact Assessment Final Rev 2 - August 2018, Reptile Technical Note 2/11/18, Noise Report from ALN Acoustic Design, Lime Kiln Lane, Noise Impact Assessment, Revision B dated 16/01/19, BREEAM 2018 Pre-assessment by CHB Sustainability, Energy Statement 9/7/18, Design and Access Statement dated 15/1/19, Arboricultural Method Statement dated July 2018, HTS-TCP-01A Tree Constraints Plan, HTS-TPP-01A Tree Protection Plan, Planning Statement by Maddox - July 2018, Surface Water Drainage Strategy dated July 2018, Site Investigation Report June 2018, Transport Assessment Parts 1, 2 and 3, Umbrella Travel Plan - 16/01/19, i-Transport Transport Response Note - 8/10/18, i-Transport Trip Reduction Note - 11/10/18 and i-Transport Technical Note dated 16/01/19

Reason: To ensure satisfactory provision of the development.

3. Prior to any development above slab level, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences, details of the means of disposal of surface water and foul sewerage from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details. The surface water discharge details shall include specific information on:

- Background information on the proposed design, including a more detailed surface water drainage plan showing pipe sizes, pipe gradients and manhole invert levels, to carry out a detailed check against the micro drainage calculations provided and any SuDS featured in the scheme
- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. Before development commences details of the means of the future maintenance of the proposed drainage assets and sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance arrangements must be confirmed to planning by the applicant prior to occupation of the penultimate building.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

6. The trees/hedges on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Method Statement dated 16/01/19.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

7. Prior to any development above slab level full details of the design, siting, appearance and materials of boundary treatment for the site, including the 2.5m acoustic fence on the southern boundary shall be submitted for approval in writing by the Local Planning Authority. No development above slab level shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. All external works (hard and soft landscape) shall be carried out in accordance with the approved Landscape Proposals plan ref. 1151/011 Rev F and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions (including signage) only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

9. The works hereby approved shall be undertaken in strict accordance with the Ecosa Ecological Impact Assessment Final Rev 2 dated August 2018 and the Reptile Technical Note dated 2/11/18, and shall be maintained thereafter in accordance with the agreed details, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2 : Sites and Development Management).

10. Prior to any development above slab level on site, suitable provision for swifts in building plans (i.e. swift bricks) shall be submitted to and approved in writing by the Local Planning Authority. Development above slab level shall only proceed in accordance with the approved details and shall be maintained thereafter in accordance with the agreed details.

Reason: To safeguard and enhance environments for swifts, given the strategic importance of provision for swifts in Hampshire and support for the Hampshire Swift Group's objectives by Council Members, in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

11. The development hereby permitted shall not be occupied until the details of the improvements to the shared use foot/cycle way (Fawley Footpath 33) adjacent to the northern boundary of the site between Lime Kiln Lane and Harrier Green as shown in principle on drawing 6269 A-100P15 and within the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved details shall be implemented before the development hereby permitted is occupied and retained.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

12. Before the occupation of any part of the development hereby approved, areas for access, turning, parking as shown on the approved plan shall be constructed and hard surfaced and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

13. The development hereby permitted shall not be occupied until the detailed design of the cycle parking facilities including the specification have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved cycle store facilities shall be erected prior to occupation of the development and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote sustainable mode of travel in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

14. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of the on site provision for contractor's parking, construction traffic access, the turning of delivery vehicles, lorry routing, provisions for removing mud from vehicles, and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

15. Prior to occupation of the development, the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan. The applicant shall implement and monitor the approved travel plan in accordance with the Local Authority's specific Travel Plan guidance, and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

16. Prior to occupation of the development hereby permitted, details of Delivery and Servicing Plan shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety and in accordance with Policy CS24 of the Core Strategy for the New Forest District outside the National Park.

17. No development hereby permitted shall commence above slab level until details of acoustic attenuation, that is solid, continuous and impervious along the entire south eastern boundary of the site, to afford adequate protection for all properties, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, unit numbers 1, 5, 6, 14, 15, 24 and 25 as indicated on plan number 6269-100 REV P15, shall be restricted to B1c or B8 use classes and shall be used for no other use purposes, whatsoever without express planning permission first being obtained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

19. The development hereby permitted for B1c/B2/B8 use classes shall not operate other than between the hours of 07:00 – 19:00 Monday to Friday, 08:00-13:00 Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

20. No deliveries, despatches or refuse collections to or from the site shall be permitted before 07:00 hours and after 18:00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

21. No goods, plant, or machinery shall be stored in the open on the site and no manufacturing, repair or maintenance processes shall be carried on outside of the buildings on the site at any time, without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

22. Prior to the installation of any external plant, machinery or equipment installed at any of the individual units, details of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a noise impact assessment to consider noise from the proposed external equipment in accordance with BS4142:2014, and meeting the criteria as set out in line with the accompanying noise impact assessment carried out for this original application, J0393-R01 REV B.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

23. Any lighting installed at the hereby permitted development shall be installed and fitted with shields such that the lamps (commonly known as the 'bulb') shall not be visible from any residential premises. The shielding shall thereafter be retained and maintained.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

24. The first floor windows in the southern elevation of the approved unit numbers 1, 5, 6, 14, 15, 24 and 25 as indicated on plan number 6269-100 REV P15 shall at all times be glazed with obscure glass and fixed shut at all times unless the parts that can be opened are more than 1.7m above the corresponding floor level. The aforementioned windows should be fitted with obscure glass with a minimum obscurity of level 3 glazing and not an applied film.

Reason: To safeguard the privacy of the adjoining neighbouring properties to the south in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).



25. No other first floor windows other than those hereby approved shall be inserted into any building unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

26. The buildings will be required to achieve a BREEAM 'very good' standard, as set out in the BREEAM 2018 Pre-assessment by CHB Sustainability. No buildings shall be occupied until a final BREEAM certificate has been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard.

Reason: In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

**Notes for inclusion on certificate:**

1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

The planning history of this site has seen proposals for employment and more recently housing resisted by the Council. No pre-application advice was sought by the applicant prior to submission of the application. While the Council recognises that the principle of employment development on this site is acceptable, that view is on the proviso that the concerns raised over the form of development and residential amenity impacts are overcome. Following a meeting with the applicant's team, attended by all of the relevant consultees, to resolve the problems and subsequent negotiations, the alterations made to the proposed plans were considered sufficient to overcome the Council's concerns and in this instance the amended submission was considered to be acceptable.

2. Southern Water advise that there is a public sewer within the site. A plan of the sewer records showing the approximate position of the public foul sewer within the site is available to view on the Council's website under ref. 18/11032. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

- No development or new tree planting should be located within 4 metres either side of the external edge of the public foul sewer.
- No new soakaways or other water retaining or conveying features should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

In order to protect drainage apparatus, Southern Water requests the developer advises Southern Water of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development. Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

Investigations indicate that Southern Water can facilitate foul sewerage and surface water run off (at proposed attenuated peak discharge rate) disposal from the proposed development. Southern Water requires a formal application for connections to the public foul and surface water sewers to be made by the applicant or developer. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a. Adequate soakaway or infiltration system
- b. Water course
- c. Where neither of the above is practicable sewer

Southern Water supports this stance. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Southern Water can provide a water supply to the site. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)". Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

3. HCC Flood and Water Management Team advise that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent from the Lead Local Flood Authority is required. **This consent is required as a separate permission to planning.**

Information on ordinary watercourse consenting can be found at the following link <http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm> It is strongly recommended that this information is reviewed before Land Drainage consent application is made.

For guidance on solving these issues, we recommend you use our Surface Water Management Pre-application service which will provide clear guidance on what information is required to allow your application to be returned to the Local Planning Authority with no issues. For full details, please visit:  
<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on pre-application advice request form.

It is important to ensure that the long-term maintenance and responsibility for Sustainable Drainage Systems is agreed between the Local Planning Authority and the applicant. This should involve discussions with those adopting and/or maintaining the proposed systems, which could include the Highway Authority, Planning Authority, Parish Councils, Water Companies and private management companies.

For SuDS systems to be adopted by Hampshire Highways it is recommended that you visit the website at:

<https://www.hants.gov.uk/transport/developers/constructionstandards> for guidance on which drainage features would be suitable for adoption.

Where the proposals are connecting to an existing drainage system it is likely that the authorities responsible for maintaining those systems will have their own design requirements. These requirements will need to be reviewed and agreed as part of any surface water drainage scheme.

4. Hampshire County Rights of Way and Highway Authority advise the applicant to enter a highway (S.278) agreement with the County Council to facilitate appropriate provision of and future maintenance (to include a commuted sum for future maintenance of the upgraded asset) to the section of Fawley Footpath 33 located to the northern boundary of the development site and which falls within the applicant's ownership. Condition no. 11 relates to that portion of FP33 that falls within the applicant's ownership, although please be advised that the S.278 agreement may relate to a 30m section of the footpath outwith the applicant's control, that connects with Roman Road to the east.
  
5. The Council's Environmental Health section advise that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantial complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

**Further Information:**

Jim Bennett

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**New Forest**  
DISTRICT COUNCIL

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Lyndhurst  
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**Planning Development  
Control Committee**  
March 2019

**Item No: 3c**  
Land of  
Limekiln Lane  
Holbury Fawley  
18/11032

Scale 1:1250

N.B. If printing this plan from  
the internet, it will not be to  
scale.

