

Application Number: 24/10494 Variation / Removal of Condition
Site: PLATINUM JUBILEE BUSINESS PARK, HOPCLOVER WAY,
RINGWOOD, BH24 3FW
Development: Removal of condition 17 of Planning Permission 20/11208 to
remove the requirement for a BREEAM "very good"
assessment due to it being unobtainable
Applicant: New Forest District Council
Agent: Boyle & Summers Ltd
Target Date: 09/08/2024
Case Officer: John Fanning
Officer Recommendation: Grant Subject to Conditions
**Reason for Referral
to Committee:** Applicant is New Forest District Council

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Background and policy context
- 2) Rationale for removal of condition
- 3) Outstanding conditions

The item has been referred to committee on the basis that the applicant is New Forest District Council, and in the interests of transparency.

2 SITE DESCRIPTION

The application site recently formed part of a wider redevelopment which included residential and care facility uses to the east and south. The land was formerly in agricultural use prior to the redevelopment which is now substantially complete, with sections of the redevelopment including the application site having been completed and occupied. The current application relates solely to the commercial element of the site which has been built out and which provides a number of larger industrial units.

The site is accessed from Crow Lane to the east. The site bounds an area of open space and residential development to the east, a new care home to the south of the land identified within the blue line, residential development to the north and an industrial estate to the west.

3 PROPOSED DEVELOPMENT

Application 20/11208, granted in September 2022, sought permission for a number of industrial units covering a range of uses within Use Classes E and B8. Condition 17 of this consent required that the units (4 in total) achieve a BREEAM Very Good standard. The application now submitted seeks to remove this condition.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
20/11208 Use of Buildings B, C, D & E classes E & B8 Class	08/09/2022	Granted Subject to Conditions	Decided	
17/11358 Final Phase (2/3); development comprised of a care home (Use Class C2); flexible business units (Use Class B1), 113 dwellings (Use Class C3), public open space, associated parking; landscaping; internal access arrangements and ancillary infrastructure (details of appearance landscaping, layout and scale associated with development granted by outline permission 13/11450).	26/11/2018	Granted Subject to Conditions	Decided	
17/11309 Phase 2: development of 113 dwellings comprised detached houses; semi detached houses; terraced houses; flats, link detached houses; garages; parking; access; open space; and cycle path (Details of appearance, landscaping, layout & scale. Development granted by	24/01/2018	Granted Subject to Conditions	Decided	

outline
permission
13/11450)

16/11520 Phase 23/03/2017 Granted Subject to Decided
1: development of 62 dwellings Conditions
comprised: 15
houses; 9 pairs
of
semi-detached
houses; 3
terrace of 3
houses; 3
terrace of 4
houses; 8 flats;
garages; public
open space;
SANG; ancillary
infrastructure;
allotment land
(Details of
appearance,
landscaping,
layout & scale
development
granted by
Outline
Permission
13/11450)

13/11450 Mixed 10/10/2014 Granted Subject to Decided
development of Conditions
up to 175
dwellings (Use
Class C3); up to
1.5 hectares of
small
employment
(Use Classes B1
& B2); nursing
home (Use
Class C2); child
nursery (Use
Class D1); hotel
/ pub / restaurant
(Use Class C1);
fitness centre
(Use Class D2);
retail /
professional
services /
restaurant (Use
Class A1/ A2/
A3); open space
areas;
allotments;
accesses on to
Crow Lane and
Crow Arch Lane;
estate roads;
footpaths; cycle
ways; foul &

surface water
infrastructure
(Outline
Application with
details only of
access)

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ENV1: Mitigating the impacts of development on International Nature
Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR6: Sustainable economic growth

Local Plan Part 2: Sites and Development Management 2014

RING3: Land south of Ringwood, west of Crow Lane and adjacent to Crow Arch
Lane

Supplementary Planning Guidance And Documents

Planning for Climate Change SPD

Neighbourhood Plan

Ringwood Neighbourhood Plan

Policy R1: A Spatial Plan for Ringwood

Policy R10: Zero Carbon Buildings

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: happy to accept a delegated Officer decision.

The Council was very disappointed that the developer and NFDC did not actively seek to meet BREEAM 'very good' requirements from the outset, given that this was flagged in the 2018 BREEAM Pre-Assessment and carried out for SRE for NFDC, and that NFDC find itself in the position where it is now unobtainable.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

No comments received

9 REPRESENTATIONS RECEIVED

1 neutral letter of representation was received which queried the BREEAM status of the development.

10 PLANNING ASSESSMENT

Background and Policy Context

Outline Planning Permission was originally granted under application reference 13/11450 for a mixed-use development covering the application site and a wider area of land to the south and east. Access was approved as part of this outline permission. Reserved matters applications were subsequently approved under references 16/11520, 17/11309 and 17/11358, which agreed the more detailed specifics of the appearance, landscaping, layout and scale. The current application site formed a smaller part of this original development and was identified for larger industrial buildings in commercial use. It was separated from a larger residential development to the east off Crow Lane by an area of open space, with further open space and a care home to the south. This application also included an area of further residential redevelopment off Crow Arch Lane to the south. This development has now been built out.

Application 20/11208 subsequently sought planning permission for just 4 of the commercial units (Units B, C, D and E) to allow a more flexible suite of Use Classes. At this point, the ownership of the site had transferred to New Forest District Council, who were applicant for this application, and who continue to be so for this current application.

The previous permissions referred to Use Class B1. The Use Classes Order has subsequently been amended; the uses previously falling within Use Class B1 are now found within Use Classes E(g)(i) (offices), E(g)(ii) (research and redevelopment) and E(g)(iii) (light industrial). The application granted permission for the use of Units B and C for Class E(c)(iii) (uses appropriate to a commercial, business or service locality), E(e) (medical or health services), E(g)(i, ii, iii) and B8 (storage) and for the use of Units D and E for Class E(c)(iii), E(e), E(g)(i, ii, iii).

Condition 17 of this application reads as follows:

"The buildings will be required to achieve a BREEAM 'very good' standard, as set out in the BREEAM Pre-assessment by SRE dated 2018. Within four months of occupation of the buildings hereby approved, a final BREEAM certificate shall have been submitted to and approved in writing by the Local Planning Authority certifying that the buildings have achieved a BREEAM 'very good' standard."

The stated reason for the condition was

"In the interests of sustainable development, including resource use and energy consumption, in accordance with Policy IMPL2 of the Local Plan Part 1 for the New Forest District outside the National Park."

The reports at the time did not explore the imposition of the condition in more detail. However, Policy IMPL2(iii) requires new commercial development of 250-999 square metres gross internal area to achieve BREEAM excellent with regard to water consumption; and commercial development of 1000 square metres or more to achieve BREEAM excellent overall. It is noted that this policy was adopted in July 2020. Application 20/11208 was originally submitted in November 2020 following the adoption of this policy. However, a decision on the application was not issued until

September 2022. Prior to this, Policy CS4 of the Local Plan Part 1: Core Strategy 2009 (adopted in 2009) required new commercial buildings of over 1000 square metres to meet BREEAM Excellent (after 2012).

The commercial element of the site consists of 7 distinct buildings (referred to as Blocks A-G), of which the application relates to Blocks B, C, D and E. The floor space of these buildings is as follows:

Block B – 1318m²
Block C – 820m²
Block D – 488m²
Block E – 315m²

The overall layout and form of the buildings remained identical to the previously approved reserved matters applications. It is noted these previous applications did not include any conditions relating to BREEAM requirements associated with the commercial elements of the scheme. Of the buildings, it would appear that only Block B fell above the 1000m² trigger with regard to Policy CS4 that would have been in force at the time.

With regard to Planning Permission 20/11208, which fell within the remit of the current Policy IMPL2, when considered individually, Blocks C, D, E fell within the 250-999m² range in which only water consumption would have applied, while Block B was of sufficient scale to justify the full BREEAM Excellent trigger in accordance with the policy.

Application 20/11208 was supported by a BREEAM Pre-Assessment. This report identified that certain credits were likely unachievable given the design stage in the process and type of development being proposed but provisionally identified that it was possible for the development to achieve a BREEAM Very Good level. The application subsequently imposed a blanket requirement for all buildings to achieve BREEAM Very Good.

On the basis of the above, it would appear that the specific requirement for all 4 units to achieve BREEAM Very Good would not appear to directly relate to the relevant policy requirement (which would have secured BREEAM Excellent for Block B and water consumption criteria only for Blocks C, D and E). This matter was not addressed in the officer's report.

Rationale for removal of condition

In seeking to remove this condition, the applicant has laid out two key points – timing and works undertaken.

With regard to timing, the BREEAM requirement wasn't initially required under the initial outline and reserved matters applications. The matter does not appear to have been addressed at the time.

When the more recent application was initially submitted in 2020, a BREEAM assessor was instructed. However, the planning permission was not formally issued until 2022. An initial recommendation on the application was made to the Planning Committee in October 2021, which included a proposed BREEAM condition and resolution was made to grant subject to a legal agreement. Following further review, the application was taken to the Planning Committee in June 2022 and resolution was made to grant without a legal agreement, with the decision subsequently being issued in September 2022.

Many BREEAM criteria require early stage planning to be implemented to achieve the required standards. In this case, a number of the criteria identified in the initial BREAM Assessment document were not implemented within the necessary timeframe and cannot be retrofitted post development. The BREEAM assessment is a wide reaching sustainability approach which requires specific design and construction standards and monitoring which were not considered and undertaken during construction works. As the development passed these time thresholds and has been completed without the appropriate consideration being given, it now cannot achieve certain mandatory credits required early in the process to achieve a BREEAM rating. A BREEAM Review Report was commissioned and submitted with this application which outlines that at this stage, it is not possible to feasibly achieve a BREEAM standard due to the failure to achieve mandatory credits earlier in the process.

Notwithstanding the above, a supporting statement has been provided indicating that whilst formal certification has not been achieved, the development has been constructed with sustainable standards in mind. It is outlined where the development has been implemented in alignment with the standards, including:

- Electric metering outputs enable live energy monitoring for building managers
- Water metering outputs enable live monitoring to allow for assessment of water rates and identification of emergency leaks
- External lighting in accordance with standards
- Installation of PV roof panels
- Thermal analysis of buildings undertaken
- Flood risk assessment undertaken
- Installation of suitable soakaways
- Provision of suitable staff shower and changing areas, along with cycle storage and external spaces
- Use of certified contractors
- Management of development during construction to minimise impact of surrounding properties

It is considered that the sustainability of development is a key consideration, and relevant local and national policies both stress the importance of providing development which balances local need and development of sites against the wider environmental impacts of development. In this case, it is considered unfortunate that the development has failed to achieve a BREEAM standard and has now been implemented and occupied in breach of the imposed condition.

Notwithstanding this, the building exists in its current form and consideration must be given as to how to proceed. It is not considered that the BREEAM standard could be achieved without potential redevelopment undertaken in line with the necessary criteria. In terms of sustainability, it is considered that any potential reconstruction of the existing buildings would likely further exacerbate a number of the associated impacts of the development.

The applicant has laid out considerations that have been incorporated into the building to ensure that the ongoing occupation of the buildings strive towards sustainable methodologies which will help to minimise the associated impact of the development in the current post construction phase, which is considered to somewhat mitigate the impacts associated with the non-compliance with the condition.

The existing buildings provide a positive benefit in terms of provision of employment uses with the area, which any attempt to try and comply with the original condition would almost certainly disrupt. The applicant has laid out the standards that have

been achieved. As now constructed, it is considered that the proposal does make an important contribution towards an active and useable employment site within the district, and this must be factored into any consideration of this application.

Therefore, on balance, given the specific circumstances of the proposed development and the benefits associated with the continued employment function of the site, it is not considered that it would be in the public interest to seek to pursue compliance with the BREEAM condition at this stage and relief from the condition would be acceptable.

Outstanding conditions

It is noted that the original permission included a number of conditions. Of these conditions, a number required submission of further details or are now defunct given that the permission has been implemented. Given that the units are now complete, it is recommended that these conditions be removed or updated to reflect the current status of the site.

11 CONCLUSION / PLANNING BALANCE

It is unfortunate that the BREEAM standard was not followed through at development stage. However, at this stage, it is not considered feasible or possible to retrofit the buildings to comply with the relevant BREEAM standard, and it has been identified that the measures which can be reasonably implemented have been undertaken.

While sustainability is a vital aspect of bringing forward development within the district, it is considered that it would not be in the public interest to continue to pursue the BREEAM requirement in this case, when factoring in the sustainability standards that have already been achieved and the economic benefits of the continued operation of the existing buildings, balanced against the difficulties and potential adverse impacts of seeking to resolve compliance with the BREEAM standard.

As such, with regard to the specific set of circumstances laid out above, the recommendation is to allow the removal of the condition in question.

12 RECOMMENDATION

GRANT the VARIATION of CONDITION

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:

NFD-BSL-ZZ-XX-DR-A-1001-PL (Location Plan)
NFD-BSL-ZZ-XX-DR-A-2001-PL (Site Plan)
NFD-BSL-UB-XX-DR-A-3001-DR-A (Unit B Ground Floor Plan)
NFD-BSL-UC-XX-DR-A-3001-DR-A (Unit C Ground Floor Plan)
NFD-BSL-UD-XX-DR-A-3001-PL (Unit D Ground Floor Plan)
NFD-BSL-UE-XX-DR-A-3001-PL (Unit E Ground Floor Plan)
NFD-BSL-UB-XX-DR-A-3501-PL-A (Unit B Roof Plan)
NFD-BSL-UC-XX-DR-A-3501-PL-A (Unit C Roof Plan)

NFD-BSL-UD-XX-DR-A-3501-PL-A (Unit D Roof Plan)
 9220-Rev P01 (Vehicle Tracking Drawing)
 9221-Rev P01 (Vehicle Tracking Drawing)
 9222-Rev P01 (Vehicle Tracking Drawing)
 9223-Rev P01 (Vehicle Tracking Drawing)
 Travel Plan by Paul Basham Associates dated 20/10/2020
 Transport Statement by Paul Basham Associates dated 20/10/2020
 NFD-BSL-UB-XX-PL-A-4001-PL-A (Unit B Elevations)
 NFD-BSL-UC-XX-DR-A-4001-PL-A (Unit C Elevations)
 NFD-BSL-UD-XX-DR-A-4001-PL-A (Unit D Elevations)
 17043-4007 A Block E - Elevations
 16-086-400 Final Phase Drainage & Site Levels (Sheet 1/5)
 16-086-401 Final Phase Drainage & Site Levels (Sheet 2/5)
 16-086-402 Final Phase Drainage & Site Levels (Sheet 3/5)
 16-086-403 Final Phase Drainage & Site Levels (Sheet 4/5)
 16-086-404 Final Phase Drainage & Site Levels (Sheet 5/5)
 16-086-416 General Access Arrangement
 16-086-418B External Works 1 of 2
 16-086-419A External Works 2 of 2
 A130-LA15 Landscape Strategy
 A130-LA16 Planting Strategy
 A130 PP06 Rev C Landscape Plan
 A130 PP07 Rev C Landscape Plan
 A130 PP08 Rev C Landscape Plan
 A130 PP09 Rev D Landscape Plan
 A130 PP12 Rev A Landscape Plan
 Planning and Design Statement and Appendices by Terence O Rourke
 dated July 2018
 Final Phase Drainage Technical Note by Odyssey dated June 2018
 Final Phase Highways Technical Note by Odyssey dated June 2018
 02836-C-800-AB Drainage plan
 02386-C-801-AB Drainage plan
 02386-C-804-AB Drainage plan
 02386-C-810-AB Drainage plan
 02386-C-811-AB Drainage plan
 02386-C-812-AB Drainage plan
 02386-C-813-AB Drainage plan
 BREEAM Review Report
 L01 A Landscape plan
 20006 Planning Condition Discharge Note - Issue 1 Materials and cycle
 storage details
 NFD-BSL-ZZ-XX-DR-A-PL EV plan

Reason: To ensure satisfactory provision of the development.

2. Any trees or plants identified within the approved landscaping scheme (Drg No: L01 Rev A) which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 and the Ringwood Local Distinctiveness Document

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no additional floor space by way of the creation of a mezzanine floor shall be formed within the buildings hereby approved, other than that shown on the approved plans.

Reason: To safeguard the amenities of the area, in the interests of highway safety and to comply with policy ENV3 of the Local Plan Part 1.

4. The bin storage provision (as identified in Drg No: L01 Rev A) shall be permanently retained in accordance with the approved details.

Reason: To ensure adequate bin storage in accordance with Policy ENV3 of the Local Plan Part 1.

5. The approved cycle storage/parking for each employment unit shall be permanently retained in accordance with the approved details (as identified in Drg No: L01 Rev A).

Reason: To promote sustainable travel modes.

6. The arrangements shown on plan NFD-BSL-ZZ-XX-DR-A-2001-PL for the access, turning and parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the buildings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy ENV3 of the Local Plan Part 1.

7. No goods, plant, or machinery shall be stored in the open on the site and no work shall be undertaken outside the buildings hereby approved without the express planning permission of the Local Planning Authority.

Reason: In the interest of the amenities of the locality in accordance with Policy ENV3 of the Local Plan Review 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent re-enactments thereof, employment units D and E shown on site plan NFD-BSL-ZZ-XX-DR-A-2001-PL shall be used only for the purposes of commercial, business and service use within Class E (c) (iii), (e), (g) (i, ii & iii) and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interest of highway safety and adjoining amenity and in accordance with Policy ENV3 of the Local Plan Part 1.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent re-enactments thereof, employment units B and C shown on site plan NFD-BSL-ZZ-XX-DR-A-2001-PL shall be used only for the purposes of commercial, business and service use within Class E (c) (iii), (e), (g) (i, ii & iii) and for storage and distribution use within Class B8 and for no other use purposes, whatsoever, including any other purpose in Class E of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof, without express planning permission first being obtained.

Reason: In the interest of highway safety and adjoining amenity and in accordance with Policy ENV3 of the Local Plan Part 1.

10. The drainage system hereby approved shall be maintained in accordance with the details outlined in the following drawings for the lifetime of the development:

02836-C-800-AB Drainage plan
02386-C-801-AB Drainage plan
02386-C-804-AB Drainage plan
02386-C-810-AB Drainage plan
02386-C-811-AB Drainage plan
02386-C-812-AB Drainage plan
02386-C-813-AB Drainage plan

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

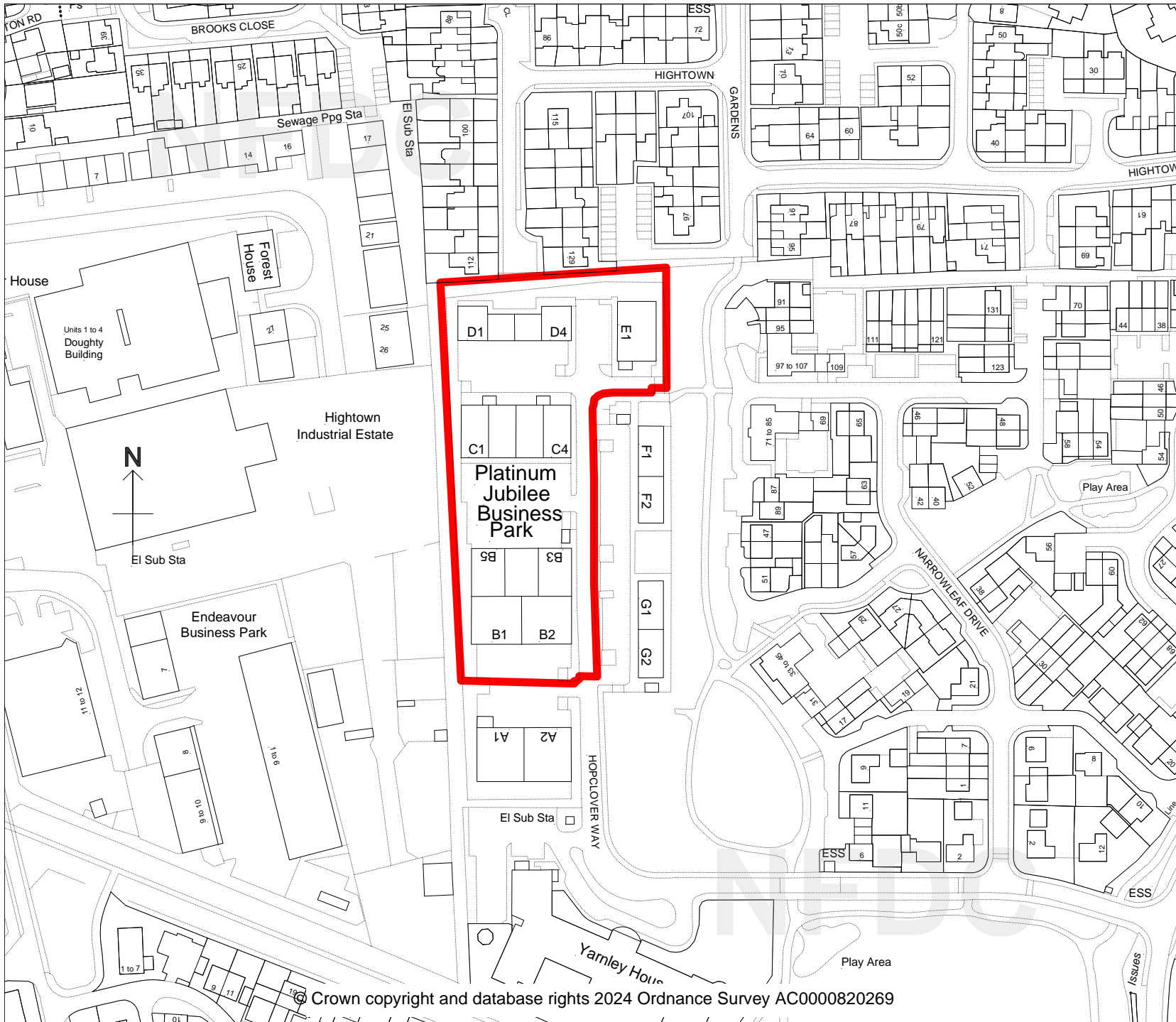
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no building, structure, hardstanding (other than already approved) or serviced areas shall be constructed or created within the landscaped area to the rear of employment Blocks D and E, shown as landscaping on approved Drg No. L01 Rev A unless otherwise agreed by the Local Planning Authority.

Reason: This area of land provides an important landscaped buffer between the residential properties in Hightown Gardens and the rear of the buildings identified as Units D and E and would contribute in screening the buildings from the surrounding area. It is important to ensure that the landscaping is not removed and replaced with buildings, hardstanding or rear service areas in the future in accordance with Policy ENV3 of the Local Plan Part 1.

Further Information:

John Fanning

Telephone: 023 8028 5962



New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Mark Wyatt
 Service Manager
 Development Management
 New Forest District Council
 Appletree Court
 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

October 2024

Platinum Jubilee Business Park
 Hopclover Way
 Ringwood
 24/10494

Scale 1:2000

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