

Application Number: 16/10290 Reserved Matters

Site: Land at FOREST GATE (FORMER WELLWORTHY SITE)
YEOMAN ROAD, RINGWOOD

Development: Building for offices & warehouse (Use Class B1 & B8); parking; landscaping; cycle shelters; bin store (Details of appearance, landscaping, layout, scale & access, development granted by Outline Permission 11/97377) not achieving the required BREEAM standard (energy efficiency of design)

Applicant: Comax Ltd

Target Date: 27/05/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
4. Economy
6. Towns, villages and built environment quality

Policies

Local Plan Part 1 (Core Strategy) 2012:

Policy CS2 - Design quality
Policy CS4: Energy and resource use
Policy CS17: Employment and economic development
Policy CS24 - Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM5: Contaminated land
RING1: Land east of Christchurch Road - employment land allocation

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

SPD - Parking Standards
SPD - Ringwood Local Distinctiveness

6 RELEVANT PLANNING HISTORY

6.1 New access and roundabout, construct buildings for industrial, storage and business use - Classes B1, B2 and B8 (97377) Granted with conditions on the 6th August 2013

6.2 Building for offices and warehouse-B1 and B8 (11120) Granted with conditions on the 5th Nov 2015

7 PARISH / TOWN COUNCIL COMMENTS

Ringwood Town Council: Awaiting comments

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Hampshire County Council Highway Engineer: No objection subject to condition

9.2 Environmental Health (pollution): No objection subject to condition

9.3 Environmental Health contaminated land: No objection subject to condition

9.4 Urban Design Officer: Awaiting comments

9.5 Policy: Awaiting comments

9.6 New Forest Access For All: Made comments in relation to the building and facilities within it.

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

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

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 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 take 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.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The proposal is for a single detached building to be used as offices and storage on land to the south east of the recently constructed premises for 'Eberspacher'. The site measures around 65 metres wide by 135 metres long with the front of the site facing onto the access road and the rear of the site backing onto Embankment Way, although there is no direct access onto the site from this road. The land to the front (southwest) and to the side (south east) is currently vacant and there are no extant full permissions on this part of the site. There is a dense group of trees immediately to the east of the site, which is subject to a Tree Preservation Order.
- 14.2 The proposed layout of the site entails the building fronting onto the access road with car parking between the building and road and car parking to the rear of the site. The north side of the building would be provided for delivery vehicle access. Internally the building shows offices to be provided on the front part of the site with warehousing to the rear. The front part of the building would have three floors of offices. The

proposed building would measure just under 12 metres high, which would be lower in height than the recently constructed 'Eberspacher' building.

- 14.3 The proposed building would be required by a company that distribute Janitorial products and the workforce is currently 50 employees. It has been stated that all deliveries would be during the day, by vans, and the deliveries to the site would be made by two to three arctic lorries a day.
- 14.4 This application is an amendment to a previous approval for a building to be used as offices and warehouse under planning reference 11120. The main change in this current application is that the proposed building would be 'handed' to the south of the site. Basically the proposed building would be sited further away from the boundary with the Eberspacher building.
- 14.5 In policy terms, given that outline planning permission has been granted for the site to be used for employment purposes, which include offices, storage and industrial, there are no objections to the proposal in principle and it is considered that it would accord with the objectives and aims of the Core Strategy.
- 14.6 In assessing the effect on the character and appearance of the area, the proposed building has a large footprint, rising to just under 12 metres in height. It would be of a scale that would be prominent within this site. Visually, the proposed building would be set back from the road and set back from the building line to the neighbouring building at Eberspacher. The proposed building would not be as wide as the neighbouring building. The proposed front elevation would contain the offices and the building has been designed with an active frontage onto the road. The proposed design of the building would be acceptable and the main consideration is how the soft landscaping can be achieved and provided to soften the scale of the building.
- 14.7 It is considered that the proposed changes would be an improvement compared to that previously approved given that the recently planted trees along the southern boundary of Eberspacher would be retained and this will ensure that sufficient landscaping throughout the site can establish.
- 14.8 With regard to residential amenity, the proposed development would be sited a considerable distance away from the nearest residential properties so as not to result in any disturbance in terms of overlooking, loss of light or outlook. The main issue is the effect of the use of the building and any noise/ disturbance related matters. The site has no open storage proposed and it should be noted that a condition was imposed on the original outline consent stating that there should be no open storage.
- 14.9 The front part of the building would be dedicated to offices and there would be no noise related issues from the front part of the building. The remainder of the building would be used for storage and this would be contained within the building with openings on the side (south east) elevation.
- 14.10 The Environmental Health Officer does not raise any objections to the proposal. It is considered that the site is located a significant distance

away from neighbouring residential properties. The only proposed openings are located on the side (north east) elevation and this includes 6 loading bays. In addition, business uses are currently located around the application site. The nearest residential properties are located in Monmouth Close and Willow Drive.

- 14.11 In terms of the residents at Monmouth Close, these dwellings are located around 145 metres away and are partly shielded by existing employment buildings. Any noise outbreak from within the building would be directed north and this would not be in the direction of these residents. Moreover, new buildings have been constructed to the rear of Monmouth Close which will act as a noise buffer to these residential properties.
- 14.12 In terms of the residential properties at Willow Drive, these residential properties are located more than 160 metres away and the openings of the proposed building faces in the opposite direction, which would not result in any noise concerns.
- 14.13 The main issue is delivery times. No conditions were imposed on the outline consent restricting operational or delivery times, however it was considered that this could be assessed as part of any of the reserved matters applications on a site to site basis. In addition, no restrictions were imposed on the neighbouring unit at Eberspacher. Although restrictions apply to the recently built units at Austin Park, these units are directly adjacent to residential properties. Given that the site lies in the central part of the employment site surrounded by existing employment uses and the distances involved, a restriction on delivery times would not be reasonable. Moreover, it is not justified to seek a noise report given that the use of the building is for offices and storage and any noise would be contained within the building.
- 14.14 In relation to highway safety matters, the proposed access into the site would be onto the recently built internal access road. The Highway Authority does not raise any objections to the proposal. In terms of car parking and cycle provision, the submitted plan shows that some 101 car parking spaces have been provided on the whole site. In assessing the car parking requirements, the adopted Car Parking Standards Supplementary Planning Document (October 2012), which relates to commercial developments needs to be considered. The car parking provision relates to a recommended amount, whereas cycle parking is a minimum standard. Based upon these figures, and the proposed floor space, the level of car parking proposed (100 spaces) is significantly higher than the recommended guidance.
- 14.15 This application also proposes not to formally discharge the required BREEAM standard (energy efficiency of design) as set out by condition on the outline consent under reference 97377. The applicants state that although the proposed development will have sufficient BREEAM points to meet the required rating, the applicant would prefer to spend the money required to get the BREEAM certificate on a PV installation. The condition required written documentary evidence demonstrating that any building which has a gross internal floorspace of in excess of 1000 square metres has achieved at a minimum a rating of Good against the BREEAM standard. The reason for the condition is to meet energy efficiency design objectives, having regard to the requirement of Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

- 14.16 The applicants agent states that while the development will provide a number of sustainable benefits which achieve the points set out in BREEAM, however they simply do not seek to carry out a full assessment and certificate due to the costs involved to obtain the evidence and would prefer for these cost to be put towards PV installation. It has been stated that PV installation would not be eligible for points unless an independent energy assessor has been appointed to review all types of renewable energy available and conclude that the PV installation is the most appropriate. The applicants agent has set out all the points that the proposed development would achieve, and should the proposals be vetted by an approved assessor, the cost would be around £25,000. As stated above, the applicants would rather use this money in PV installation which would generate 16 KwP equating to 30% of the buildings energy consumption.
- 14.17 In assessing the case put forward, essentially the proposal would still achieve the required rating level for BREEAM but the Council would not receive a certificate which confirms that the level has been achieved. Although this would not follow the requirements set out in the condition, the proposal would still provide a highly sustainable building and would have additional environmental benefits such as the PV installation. Accordingly, on the basis that the proposed development is carried out in accordance with the details and measures set out by the applicants agent including the PV installation, there are no objections for the relaxation of this condition. Moreover, it is not considered that this would set a precedent for other similar developments to seek relaxation of the condition.
- 14.18 In conclusion, it is considered that the proposed changes in this application would be acceptable and would not have any greater impact on the character of the area or living conditions of the adjoining neighbouring properties than the already approved Scheme.
- 14.19 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

Grant Subject to Conditions

Reserved matters of layout, scale, appearance and landscaping, specified in condition 1 of outline permission reference number 97377 dated 6th August 2013.

Proposed Conditions:

1. The building hereby approved shall only be constructed from the materials set out below and detailed on Drawing No 4904 14 unless otherwise agreed by the Local Planning Authority:

Facing:

Lower section -Cranwell Cream clay facing brick
Middle section - Wedgwood Blue Microrib composite panel
Upper section - Silver Microrib composite panel
Fascia/ soffits/ doors/ windows frames - Anthracite

Roofing:

Gooswing Grey profiled cladding

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.

2. The development permitted shall be carried out in accordance with the following approved plans:15C, 11, 14A, 13A, 23

Reason: To ensure satisfactory provision of the development.

3. In accordance with the submitted strategic landscape details under plan 11, the following additional details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) a specification for new planting (species, size, spacing and location);
- (b) areas for hard surfacing and the materials to be used;
- (c) other means of enclosure;
- (d) a method and programme for its implementation and the means to provide for its future maintenance;

No development shall take place unless these details have been approved and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development whichever is the sooner. Any trees or plants which within a period of 10 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 a 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 prevent inappropriate car parking to comply with Policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme (that has been approved as part of any submitted reserved matters application) must be carried out in accordance with its terms. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. 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. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action as identified in the verification plan and for the reporting of this to the local planning authority. The long term monitoring and maintenance plan shall be implemented as approved. Unless otherwise agreed in writing by the Local Planning Authority, the verification report must be completed and approved in writing by the Local Planning Authority either: prior to the commencement of development, other than that required to carry out remediation, or if the developer is required to carry out the remediation, it must be carried out prior to the occupation of any buildings or use of the land as the proposed end use

Reason To protect controlled waters and 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 in accordance with Policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

5. If during development contamination not previously identified is found to be present, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the developer and approved by the Local Planning Authority until the developer has submitted and obtained approval from the Local Planning Authority for recommencement of development. An investigation and risk assessment must be undertaken, and if this finds remediation to be necessary, a remediation strategy and verification plan must be provided detailing how this unsuspected contamination shall be dealt with and approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 'The remediation shall be implemented and verified with the same consideration as detailed within Condition B, and approved by the Local Planning Authority.

Reason: To protect controlled waters and 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 in accordance with Policies CS5 and CS6 of the Core Strategy for the New Forest District outside the National Park.

6. The development hereby permitted shall not be occupied until the spaces shown on plan 11 for the parking of motor vehicles and cycles have been provided. The spaces shown on plan 11 for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the employment building hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policy CS2 and CS24 of the Local Plan for the New Forest outside of the National Park (Core Strategy).

7. The development hereby approved shall only take place in accordance with the points and measures set out for all types of renewable energy as detailed on Lionel Gregory Ltd letter of the 1st April 2016 and the PV installation shall be fully implemented on the building as shown on drawing No 14A unless an otherwise agreed time frame is agreed in writing by the Local Planning Authority.

Reason: To meet energy efficiency design objectives, having regard to the requirement of Policy CS4 of the Core Strategy for the New Forest District outside the National Park.

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 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.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee
April 2016**

Item No: 31

**Land at Forest Gate
(Former Wellworthy Site)
Yeoman Road
Ringwood
16/10290
SU1404**

Scale 1:2000

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

