

Planning Committee

Application Address	Former Winter Gardens site, Keystone House and 20, 20a and 20b Exeter Road Bournemouth BH2 5AR
Proposal	Minor material amendment to remove conditions a and b of 7-2017-1273-AY, vary conditions c, 1 and 18 of 7-2017-1273-AY, and condition 2 of 7-2019-1273-BA, to include additional flats, reduction to basement structure and associated alterations to car park, changes to landscaping, redistribution of leisure space, reduction in size of the convenience store and office space, reduction in residential parking spaces and elevation changes. (Outline Planning Application for demolition of existing buildings & construction of a mixed use scheme; comprising residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, leisure (use class D2), convenience retail (use class A1), restaurant/cafe (use class A3), mixed use restaurant/bar (use class A3/A4), offices (use class B1), associated servicing & loading areas, public car parking, private car parking, public open space, public realm enhancements & associated engineering works. Proposal affects a public right of way.)
Application Number	7-2020-1273-BB
Applicant	Bournemouth Development Company LLP
Agent	Savills
Date Application Valid	28 January 2020
Decision Due Date	27 April 2020
Extension of Time date (if applicable)	TBC
Ward	Bournemouth Central
Report Status	Public
Meeting Date	21 May 2020
Recommendation	Grant in line with the recommendation below
Reason for Referral to Planning Committee	Major Development on Council owned land
Case Officer	Charles Raven

Description of Development

1. Consent is sought for a minor material amendment to remove conditions a and b of 7-2017-1273-AY, vary conditions c, 1 and 18 of 7-2017-1273-AY, and condition 2 of 7-2019-1273-BA, to include additional flats, reduction to basement structure and associated alterations to car park, changes to landscaping, redistribution of leisure space, reduction in size of the convenience store and office space, reduction in residential parking spaces and elevation changes.
2. Original description of development: Outline Planning Application for demolition of existing buildings & construction of a mixed use scheme; comprising residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, leisure (use class D2), convenience retail (use class A1), restaurant/cafe (use class A3), mixed use restaurant/bar (use class A3/A4), offices (use class B1), associated servicing & loading areas, public car parking, private car parking, public open space, public realm enhancements & associated engineering works. Proposal affects a public right of way.
3. The applicant has provided the following information:

	Previous	Proposed
Residential units	352	378
D2 leisure use	4124m ² to 5284m ²	4369m ²
A1 convenience retail use	1160m ² to 1204m ²	426m ²
A3 restaurant/café use	854m ² to 2058m ²	1043m ²
A3/A4 mixed restaurant/bar use	774m ²	380m ²
B1 office use	370m ²	195m ²
Public car parking	225	225
Private car parking	369	295
Maximum storey height	15	15

4. The application is supported by the following addendum letters and reports, which have relied upon the full reports submitted with outline planning application 7-2017-1273-AY and are all available for viewing on the Council's website.
 - Heritage Statement;
 - Transport Assessment;
 - Flood Risk Assessment and Drainage Strategy;
 - Ecological Appraisal;
 - Landscape Strategy;
 - Noise Assessment;
 - Air Quality Assessment;
 - Energy and Sustainability Statement;
 - Sunlight/daylight report; and
 - Arboricultural Impact Assessment.

5. The key amendments for which consent is sought can be summarised as:

The creation of 26 additional residential units within Blocks A through D through changes to internal layouts and unit mix;
Alterations to the below podium elements of the scheme to reduce the size of the basement structure;
Alterations to the design of the car park access ramps to correspond with revised basement design;

Minor changes to the landscape scheme to reflect basement changes and other scheme amendments;
The redistribution of leisure space within the development;
The reduction in the size of the convenience retail store;
Reduction in the amount of office space;
Change to an all-electric strategy for the development;
Reduction in the number of residential parking spaces from 369 to 295;
Alterations to the building facades, doors, balconies, planters and fenestration details;
Limited changes to materials;
Clarification of rooftop plant location and design; and
Minor reductions or additions to the approved built-form to create more efficient building designs.

6. Following a round of discussions with both external and internal consultees, a number of further revisions have been made which entail:

The provision of solar PV to rooftop areas;
Rainwater collection and reuse for irrigation of landscaping;
Re-introduction of window surrounds for Blocks A, B and C;
Steps provided linking the enlarged upper and lower playground areas;
Simplified and safer route for PROW adjacent to Block D which also allows additional landscaping and a larger tree to be provided;
Simplified piazza removes clutter and obstructions;
Minor changes and clarification of parking/highway issues.

Key Issues

7. The main considerations involved with this application are:

Impact on character and appearance of the area
Impact on residential amenity
Impact on trees/landscaping
Impact on parking and highway safety
Impact on the Public Right of Way (PROW)
Impact on protected heathland
Impact on affordable housing

8. These points will be discussed as well as other material considerations at para 21 to 74 below.

Planning Policies

9. **Core Strategy (2012)**

Policy CS 1 – Presumption in favour of sustainable development
Policy CS 2 – Sustainable Homes and Premises
Policy CS 3 – Sustainable Energy and Heat
Policy CS 4 - Surface Water Drainage
Policy CS 6 – Delivering Sustainable Communities
Policy CS 7 – Bournemouth Town Centre
Policy CS13 – Key Transport Routes
Policy CS14 – Transport Infrastructure
Policy CS 15 – Green Travel Plan and Transport Assessments

Policy CS 16 – Parking Standards
Policy CS 18 – Increasing Opportunities for Cycling and Walking
Policy CS 21 – Housing Distribution
Policy CS 29 – Protecting Tourism and Cultural Facilities
Policy CS 31 – Recreation, Play and Sports
Policy CS 33 – Heathlands
Policy CS 35 – Nature and Geological Conservation Issues
Policy CS 38 – Minimising Pollution
Policy CS 39 – Designated Heritage Assets
Policy CS 41 – Quality Design

10. District Wide Local Plan (2002)

Policy 4.20 - Inclusive Access
Policy 4.24 - Public Art
Policy 4.25 - Landscaping
Policy 6.10 - Flats Development
Policy 7.7 - Winter Gardens
Policy 8.1 - Development on a primary/county distributor route
Policy 8.22 - Proposals affecting car parking spaces
Policy 8.40 - Parking for the Disabled

11. Town Centre Area Action Plan (2013)

Policy A31 – Winter Gardens
Policy D2 – Combined Heat and Power
Policy D3 – Character Areas
Policy D4 - Design Quality
Policy D5 - Tall Buildings
Policy D6 - Public Realm
Policy T3 - Walking and Cycling
Policy T8 - Car Parking Locations

12. Supplementary Planning Documents:

Affordable Housing – DPD & SPD
Dorset Heathlands Planning Framework – SPD
Public Realm Strategy: Guiding Principles - SPD
Bournemouth Parking - SPD
Town Centre Development Design Guide - SPD
Residential Development: A Design Guide - PGN
Sustainable Urban Drainage Systems (SUDS) - PGN

13. The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant Planning Applications and Appeals:

14. 7-2019-1273-BA - Non-material amendment to application no. 7-2017-1273-AY to allow the description to be amended to "Outline planning application for demolition of existing buildings & construction of a mixed use scheme; comprising residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, leisure (use class D2), convenience retail (use class A1), restaurant/cafe (use class A3), mixed use restaurant/bar (use class A3/A4), offices (use class B1), associated servicing & loading areas, public car parking, private car parking, public open space, public realm enhancements & associated engineering works. Proposal affects a public right of way and is a departure from the Development Plan" – Granted
15. 7-2019-1273-AZ - Demolition of existing buildings & construction of a mixed use scheme comprising 352 residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, between 4124sq.m. and 5284sq.m. of leisure (use class D2), between 1160sq.m. and 1204sq.m. of convenience retail (use class A1), between 854sq.m. and 2058sq.m. of restaurant/cafe (use class A3), 774sq.m. of mixed use restaurant/bar (use class A3/A4), 370sq.m. of offices (use class B1), associated servicing & loading areas, 225 public car parking spaces, 369 private car parking spaces, public open space, public realm enhancements & associated engineering works. Application for Reserved Matters in respect of application 7-2017-1273-AY – Granted
16. 7-2017-1273-AY - Outline planning application for demolition of existing buildings & construction of a mixed use scheme comprising 352 residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, between 4124sq.m. and 5284sq.m. of leisure (use class D2), between 1160sq.m. and 1204sq.m. of convenience retail (use class A1), between 854sq.m. and 2058sq.m. of restaurant/cafe (use class A3), 774sq.m. of mixed use restaurant/bar (use class A3/A4), 370sq.m. of offices (use class B1), associated servicing & loading areas, 225 public car parking spaces, 369 private car parking spaces, public open space, public realm enhancements & associated engineering works. Proposal affects a public right of way and is a departure from the Development Plan - Granted

Representations

17. Site notices were posted in the vicinity of the site on 05/02/2020 with an expiry date for consultation of 13/03/2020.
18. 3 representations have been received, 1 not objecting, and 2 providing comments. The issues raised comprise the following:-

The separation of private and public areas;
PROW layout.

These issues have been addressed in subsequent amendments.

Consultations

19. Tree Officer – no objection subject to conditions
Urban Design Officer – largely supportive following receipt of revised plans (objects to loss of balconies, discussed at para 57)
Heritage Officer – no comment
Highways Officer – no objection subject to conditions

Planning Policy Officer – no comment
Recycling & Waster Officer – Waste Management plan required
Sustainability Officer - more positive than extant consent – change to electric heating, provision of solar panels and rain water harvesting is welcomed
Environmental Health Officer – no objection

Constraints

20. Tree Preservation Orders
TCAAP Site Policy Designation
Public Right of Way
Proximity to Heritage Assets

Planning Assessment

Site and Surroundings

21. The application site includes the well known former site of the Winter Gardens concert hall, the artiste's car park at the rear, the Keystone building including several restaurants, the former Winter Gardens booking office that is now Valentino Restaurant and the public car park behind the Keystone site. The former Winter Gardens concert hall has been demolished and that part of the site has been in use as a temporary public car park for some time.
22. The area around the site has been subject to significant changes over recent years with the 13 storey high Hilton Hotel (14th storey approved) and adjacent Hampton Hotel, Redrow Homes apartments, the BH2 cinema and restaurant complex, an approved extension of the Trouville Hotel, and the approved redevelopment of the Punshon Methodist Church.
23. Outline permission and the subsequent reserved matters have been granted on this site to provide a mixed use development as outlined in paragraph 2 above. This represents an implementable scheme, therefore the issues of principle established by that consent need not be revisited under this application, which seek a number of amendments to that permission. The following assessment is based on a discussion of the proposed revisions.

Key Issues

Impact of physical amendments

Basement Level

24. The approved scheme provided a podium whereby three blocks rose out of the landscaped setting with four basement levels below the podium. The basement area provided private and public car parking, and elements of a convenience store, leisure units and restaurant units. The proposals entail a reduction in the level of accommodation within these basement levels and equates to a loss of 7,030.7m², from 35,147.7m² to 28,117m². Part of the leisure offer has been partly redistributed to provide a more active frontage and better useable space. Whilst there is also a loss of leisure space as noted in paragraph 3, the level now proposed remains within the limits approved under the extant consent and is therefore considered acceptable.
25. The size of the retail element has been reduced in order to provide a convenience store as opposed to a supermarket. This would facilitate longer trading hours and would provide a

better service for residents and neighbours. The hours of use are to be restricted by condition.

26. The proposed amendments to the car park levels are to create a more efficient layout to reduce the overall amount of floor space across the four levels. The level of public car parking remains as previously approved as does the access off Exeter Road. The level of private residential parking has been reduced as outlined in paragraph 3 above, but remains compliant with the adopted Parking SPD.
27. The proposed changes result a reduction in the amount of floor space for the lower level leisure units, and the split of the approved convenience retail/leisure/restaurant unit into two distinct commercial units. However, as mentioned above, there will be no loss in the overall amount of leisure space and the public facing leisure unit in Block A tower will be enhanced.
28. The reduction in the basement floor space is considered a positive change in terms of energy and sustainability as reducing the level of excavation will in turn decrease the number of lorry movements and reduce the length of the development period.

Block A

29. Under the approved plans, Block A consisted of a part 13, part 8 storey building set out for 109 residential units together with an A3 restaurant/bar unit, which is on the corner of Exeter Road and Priory Road. The approved restaurant has two commercial storeys which can be considered to be the equivalent of three residential storeys. It is proposed to reduce the height of the restaurant to become a residential double storey. The original scheme with two commercial storeys located directly adjacent to three residential storeys created a disjointed facade on this element of elevation. With the restaurant now set at a double storey residential height, it allows the built form to integrate with the rest of the east elevation of the building. This elevation is considered particularly important as it fronts onto Exeter Road, which will form part of the Grand Garden Walk and with the various leisure, retail and restaurant units contained within this building will have the highest amount of public exposure. When considered as a whole, these changes proposed are considered to be positive.
30. A number of other elevational changes are proposed entailing the removal of horizontal fins at ground, third and fourth floor levels, primarily for issues of ease of maintenance. Balcony handrails at levels 11 and 12 have been brought in from the edge by 500mm for similar reasons. The brass effect tower feature has been altered from a curved roof to a square roof. A timber wall on the south elevation at ground floor level has been replaced with glazing. Recessed balconies on the same elevation at second through to fifth floor levels have been removed to create more internal space.
31. On the west elevation, a column of windows has been removed from units on the second through to the fifth floor. Recessed balconies have been removed on the first and second floors to provide larger internal spaces. Balconies on the third and fourth floors have been reduced by half, again to provide more internal space. Two extra columns of windows have been added between the ground and fourth floors due to internal layout changes.
32. A number of other elevational changes are proposed and these are all outlined in the documents and plans supporting the application, and are considered minor and acceptable. Over Blocks A, B, and C, originally proposed window recesses were removed. Their

removal was not considered appropriate and following discussions have now been reinstated in order to retain the elevational articulation originally approved.

33. The amendments to Block A seek to increase the number of residential units from 109 to 126. As reported, this is facilitated through internal alterations and the rationalisation of some of the commercial accommodation. The arrangement is set out below and the increase is considered appropriate.

Block A Changes		
	Approved	Proposed
Studio	0	19
One Bedroom Units	34	34
Two Bedroom Units	63	56
Three Bedroom Units	12	17
Total Units	109	126

Block B

34. Changes to Block B entail a slight increase of massing on the eighth floor. The purpose of this change is to create a more significant step between the eighth and ninth storey, which reflects the wider design of this Block. The fenestration arrangements on the ground and first floor on the east elevation have been realigned to create a more symmetrical design. The design of these windows have also been altered to reflect the windows above. There are no objections to these amendments.
35. Internally, the increase in residential units has been secured through the rationalisation of the stair core, and a better utilisation of space within other units, and the massing increase on the eighth floor, allowing an increase of 3 additional units as outlined below.

Block B Changes		
	Approved	Proposed
Studio	0	1
One Bedroom Units	51	47
Two Bedroom Units	59	60
Three Bedroom Units	4	9
Total Units	114	117

Block C

36. There have been minor alterations to the western and eastern elevation to account for internal alterations relating to the security office and bin store. The timber door, which served the bin store, has been moved from the western elevation to the eastern elevation. This change is due to the access ramp to the lower car park and the vehicular access onto the podium switching locations. Fenestration changes on the south elevation are acceptable.

37. The residential accommodation within this block has been increased from 104 unit to 109 as outlined below. This has been achieved through the division of a two bedroom unit into two studio units on five floors.

Block C Changes		
	Approved	Proposed
Studio	0	12
One Bedroom Units	27	24
Two Bedroom Units	73	68
Three Bedroom Units	4	5
Total Units	104	109

Block D

38. The most notable change to this block is the removal of the two storey element, which extends west along Cranborne Road. This element of the building contained a proposed office/ancillary communal space, with a floor space of 369.5m². The proposed plans would see this floor space reduced to 194.8m². A further change to the elevations, is the infilling of the open window, which served as private balcony for a residential unit on the sixth floor. There has been a minor design change to the western elevation which was originally only shown on the second through sixth floor has now been incorporated into the ground and first floor due to the removal of the western wing of the building. There are no objections to these revisions.
39. There is an increase in one unit proposed within this block, facilitated through the infilling of the balcony as reported and further internal revisions. The revised arrangement is shown below.

Block D Changes		
	Approved	Proposed
Studio	0	0
One Bedroom Units	4	5
Two Bedroom Units	18	19
Three Bedroom Units	3	2
Total Units	25	26

Roof Plant

40. One of the major amendments is the inclusion of roof plant to Blocks A, B and C. Whilst it was always known that some plant would be required at these levels, the scale of the plant enclosures proposed was not expected. Concerns relating to the large and disjointed plant structures were forwarded to the applicants who reiterated their justification provided.
41. On the Exeter Road part of Block A, the plant located within a screened enclosure, is set well back from the primary building edge. There will be minimal partial views of the plant from further north on Exeter Road near to the Hilton Hotel. Similarly, rooftop plant on the Priory Road section of Block A is located within an enclosure and is set well back from the building edge. When considered in the context of the height of the building, it is considered

that there will be minimal partial views from key viewpoints along Exeter Road on the approach to the BIC Roundabout.

42. The plant shown to the top of Block A is set back from the building edge to Exeter Road by 7.8m and 10.5m from Priory Road. This, when considered in the context of the height of the building, size of plant and location, means that there will be minimal, if any public views of the plant, particularly from critical viewpoints along Exeter Road on the approach to the BIC Roundabout.
43. On Block B, the plant room would be set back from the eastern, southern and western edges of the roof so views of it will be limited from street level. A façade has been provided around the plant to help mitigate its siting. Submitted drawings demonstrate that the proposed plant will generally not be observable from surrounding street level public vantage points. The proposed plant for Building B has been incorporated into the overall building design.
44. Block C, the plant is set in from all elevations so there would be limited views from street level close to the site. The plant would be visible from longer range views, but not to an unacceptable degree as roof top plant is a common feature of tall buildings.
45. It has been demonstrated that the necessary plant will not be visually prominent or immediately apparent in the context of the proposed buildings or townscape and will be consistent with the approach taken to rooftop plant on other buildings, and across Bournemouth.

Other changes

46. Relevant to all four building blocks, balcony openings have been changed from sliding doors to door that open outwards. This change would be barely perceptible in street level views and is considered acceptable. Internal access to the podium and private car park has been reconfigured with the ramps to these two areas swapped over. There are no objections to this change.

Sub-station

47. This was originally to be provided as part of a cycle store further into the site. However, by reason of a reduction in available space due to the access changes to the private car park as well as operational requirements, this must be located closer to the access within the publicly accessible part of the site. The flat roof structure is located sufficient distance from the site boundary and will be finished with a green roof. The impact is considered acceptable.

Energy & Sustainable Construction

48. The revised report covers the change from gas to electric as the primary heat energy source. It was not intended to re-open discussion around the wider sustainability strategy as the previous scheme was considered acceptable. The change from gas to electricity has been made in recognition of the fact that grid electricity is now much greener now than at the time of the original planning application. It is noted that this change has been welcomed by your Sustainability Manager.

49. The change from gas to electricity as the primary heat source is a fundamental change, and improvement, to the energy strategy. The development is now all electric and will be able to benefit from the decarbonisation of the electricity grid which has taken place to date and will continue in the future.
50. In addition to this fundamental change, and in recognition of the Sustainability Manager's comments, the following measures have also been added to the scheme: -
- Roof mounted PV - From an initial assessment this could provide an estimated 60kWp peak output. This could provide an annual electricity generation of up to the equivalent of 100% of the total annual car park lighting electricity consumption of the public car park.
 - Rainwater collection and reuse for irrigation of landscaping - It is proposed to include rainwater collection within the above ground drainage system. Rainwater will be stored within a tank within the basement and reused for the irrigation of external landscaping.
51. The changes are considered to be positive additions to the scheme and are welcomed.

Impact on Heritage Assets

52. The Grade II Listed Royal Exeter Hotel is located to the east of the site on the opposite side of the BIC roundabout. The West Cliff and Poole Hill Conservation Area lies immediately to the west and south-west of the site. It includes all of the properties in Tregonwell Road at the rear of the site and 9-15 Priory Road. The Lower Gardens are also registered in the Historic Register of Parks. The Grade II Listed St. Andrews Church (now trading as Halo) is considered to be sufficient distance away not to be significantly affected by the development.
53. Under the outline consent, your officers, the applicants, Historic England, and indeed the Planning Board of Bournemouth Borough Council in approving the application, agreed that the approved development resulted in less than substantial harm under paragraph 196 of the NPPF. It was agreed that the main impact of the development in respect of the impact on heritage assets was the tower of Block A given its proximity to the Royal Exeter Hotel. During the application process and following a heritage impact review, positive design revisions were made to Block A. It was noted that whilst the setting of the listed building would change, the change was considered less than substantial and therefore acceptable.
54. As part of the current application, the applicants have provided an addendum to their previous heritage statements, which assesses the revisions against the baselines previously reported. With reference to Block A, it is considered that the amendments relating to the change in storey height, removal of balconies and fenestration alterations, would result in a similar if not enhanced impact on the setting of the listed building. The amendments to the remaining blocks are considered minor and inconsequential with respect to their appreciable impact on the setting of nearby heritage assets.
55. As with the approved scheme, it is acknowledged that there will be a level of harm as a result of the development, however that level is considered to be less than substantial and has been appropriately weighed against the public benefits that the scheme is envisaged to deliver. It is confirmed that Historic England and your Heritage Officer did not wish to add to their comments provided at the time of the outline application.

Impact on Neighbouring Residents

56. When comparisons are made to the previously granted scheme, it is likely that the amendments as currently proposed would result in a reduced impact on the amenity of neighbouring residents. The number of vehicles using the entrance on Cranborne Road would be reduced, the scale of Block D has been reduced, the size of the office within Block D has been reduced and therefore the number of potential workers reduced, and a sixth floor balcony area in Block D has been infilled. Whilst all of these changes are considered to result in a reduced impact, the remainder of the impacts of the original scheme remain and were previously considered acceptable. The addition of roof plant to the main blocks are considered to be inconsequential in terms of amenity impact given the scale of the buildings.

Living Conditions for Future Occupiers

57. Your Urban Design Officer is of the opinion that direct access to outdoor amenity space in the form of a usable balcony in addition to adequate indoor space meeting the government technical standards is necessary to provide a good level of amenity in line with CS41. The current lockdown situation highlights the importance of both. These concerns have previously been articulated to the applicants who comment that the project review process has confirmed that scheme deliverability will be improved by removing a proportion of the balconies. All apartments that do not have a full external balcony will either have a large openable window or a Juliet Balcony. Many of these are studio apartments; others are mainly 1-bedroom flats. In many cases, where balconies have been removed, these units now have more internal useable floor space, which is considered a benefit for the future occupants of these units.
58. They go on to comment that the scheme provides a significant amount of well-designed and high quality public and private amenity space on-site at podium level. It is also located in close proximity to the Pleasure Gardens and Bournemouth Beach. It therefore is still able to provide a high standard of amenity to meet the day-to-day requirements of future occupants and therefore continues to accord with Core Strategy CS41. In addition, each of the 4 apartment blocks also have a communal roof terrace.
59. Whilst it would have been preferential for as many useable balconies as possible to be provided, if refused consent on this ground alone, it is unlikely that this would be supported at appeal given the location of the site and positive elements which are considered to outweigh this issue.

Impact on Trees

60. Your Arboricultural Officer has assessed the revisions and considered the implications for the sites trees with these amendments and compared them against the impacts already agreed under the previous approval. It is considered that the impacts with these revised proposals are not significantly greater than in the previous scheme. Comparisons have also been made between the current proposed soft landscape schemes / landscape information and the previously agreed soft landscape schemes and are considered to be reasonably similar in nature. The revised schemes are not significantly lesser schemes than the ones that have already been approved. It is note that in previous schemes for this site that landscaping of roofs and climbers to walls were proposed. Green walls and roofs can significantly add to the landscaping improvements for this site and if they are still considered a suitable requirement for this scheme this information should be conditioned.

Previous conditions attached to both the outline and reserved matters applications should be transferred.

Parking/Traffic/Highway Safety

61. The applicant has provided a technical note which sets out the proposed changes to transport provision when compared to the permitted scheme plus responses to the previous highway comments. Your Highways Officer has provided a comprehensive assessment of the proposed amendments and is included at the end of this report. The level of proposed parking is confirmed to meet the requirements of the adopted Parking SPD.
62. Highway access remains unchanged from the approved scheme. Internal access to the podium and private car park has been reconfigured with the ramps to these two areas swapped over and the PROW crossing at grade, rather than the car park access passing beneath it. The general layout is acceptable, subject to improvements to the PROW crossing as set out below.
63. The previously signed S106 agreement included provisions that the owner will pay the Council £100,000 towards improvement works at the BIC roundabout and £75,000 towards VMS signs and loop detection. This is required and agreed for the current application. No objections are raised, subject to conditions.

Public Right of Way

64. A Public Right of Way (PRoW) runs from Tregonwell Road adjacent to no. 31 down into the former Artistes car park and along the footpath below Cranborne Road out onto Exeter Road past the Valentino Restaurant. This requires existing users to navigate a considerable number of steps at the western end of the PRoW within the site due to the level change.
65. A proposed boardwalk adjacent to Cranbourne Road would address this issue by providing an alternative step free route from Tregonwell Road to the PRoW, in addition to retaining the steps for those who choose to use the steps. Without the boardwalk, the only current alternative route for mobility impaired people or those with pushchairs, etc is to continue along Tregonwell Road and then along Cranborne Road or vice versa, which have narrow, or in places, non-existent footways and the requirement to cross the road at the junction of Tregonwell Road with Cranborne Road.
66. Officer's initially raised concerns regarding the revised route of the PROW for reasons of security and ease of use. The route of the proposed PROW diversion is not clear from the plans, as there are two potential routes (see Highway Officers comments). A surface treatment is indicated across the vehicular access on both potential routes. The south eastern route is now crosses the vehicular access for a distance of 15m at grade, whereas in the approved scheme this conflict was grade separated, with the car park access going under the PROW. This introduces additional conflict with vehicles, so should be treated with a zebra-type crossing using black and white setts, supported by appropriate signage, to indicate that pedestrians have priority. This can be secured as part of a condition.
67. Given the nature of the scheme, the principle of the revisions to the PRoW are acceptable however, this will require a formal diversion through the Public Path Order (PPO) process.

Public Art

68. As part of the approval of the reserved matters, the applicant agreed to provide public art with a value no less than £50,000 and was secured by a condition. There has not been a material change in circumstances and this provision is still being proposed and can again be secured by condition.

Heathland Mitigation

69. The site is within the 5km zone of the designated Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Ramsar Site which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population should be undertaken with regard to the requirements of the Habitats Regulations.
70. Following a European Court ruling relating to the need or otherwise for appropriate assessments, Natural England require an appropriate assessment to be undertaken for all new residential schemes proposing 50 units net or more. Smaller scale developments are currently dealt with by way a standard Appropriate assessment proforma. An appropriate assessment has been undertaken by the Councils ecological consultants who conclude that in order to mitigate the likely impacts of the additional residential units, a Suitable Alternative Natural Greenspace (SANG) will be required as well as the required financial contribution towards Strategic Access Management and Monitoring (SAMM) measures towards the designated sites. As such it is proposed that should the application be granted, suitably worded conditions are applied requiring the provision of a SANG prior to occupation of the residential units. It is stressed that such an approach is now required for all residential schemes of a certain scale and a strategic SANG will be required to accommodate the associated impacts. Your Parks Section have confirmed that it is their intention to provide the required SANG at Hicks Farm in the Stour Valley which is a key area identified in the adopted Heathlands SPD and Local Plan to provide for improved access.
71. The level of the SAMM contribution has been calculated to be £101,682 (378 x £269), plus a £1,000 administration fee. As with the previous scheme, Natural England are satisfied with this approach.

Affordable Housing

72. All applications proposing residential development in excess of 10 units net will be subject to the Council's adopted affordable housing policy. The affordable housing DPD sets out an approach to achieving contributions towards the delivery of affordable housing in the borough. Policy AH1 contained within DPD requires all residential development to contribute towards meeting the Borough target of 40% affordable housing. When considering residential development the Council will seek a 40% contribution except where it is proven to not be financially viable. The DPD was revised in November 2011 and sets out in greater detail how the DPD will be implemented as well as including an indicative contribution table which applicants can agree to rather than submit viability information.
73. In this instance and as with the previous scheme, the applicant submitted viability information which was independently assessed by the District Valuation Service who agreed that the development would be viable to make a contribution for affordable housing of £1,000,000, which has been agreed and will be secured through a unilateral undertaking.

Community Infrastructure Levy

74. The development proposal is liable to a community infrastructure levy charge in relation to the retail element of the scheme.

Summary

75. It is considered that the benefits identified under the extant scheme remain valid for these amendments. These can be summarised as:

The regeneration of a long-term underutilised site to help deliver the Town Centre Vision;

The delivery of over 4,000m² of dedicated leisure space (D2 use class) across a range of flexible unit sizes to meet the demands of high quality leisure tenants;

The delivery of outdoor public realm that is complementary to the indoor space and the provision of publicly accessible amenity space through the site with a large multifunctional piazza;

The delivery of cafes and restaurants together with a convenience store alongside the leisure and entertainment spaces and outdoor space;

The delivery of a significant number of new homes in the town centre;

The provision of a layout that retains the green corridors, provides public realm space, retains the public right of way, and offers the scope to enhance the locality of the BIC roundabout together with other emerging schemes;

The re-provision of the public car parking lost from the site in a high quality, non-visible multi-storey car park;

Help to create a section of the Grand Garden Walk concept along Exeter Road, including a set back within the site boundary to provide pedestrian and cycle routes along the west side of Exeter Road;

The reduction in anti-social behaviour issues associated with the existing car park through increased activity and natural surveillance;

The provision of a significant number of cycle parking spaces for uses by residents, staff and visitors;

The delivery of planning gain across several priority areas for the Council in excess of £2m, comprising:

- Offsite affordable housing contribution
- Offsite highways improvements
- Community Infrastructure Levy
- Heathland mitigation

76. It is also anticipated that Council receipts realised from this development would help the funding of another cultural, leisure or entertainment development on another town centre site, however, without the benefit of a linked application or a previously approved scheme in

place, there is no mechanism available within the planning system to secure this and it is therefore not a material planning consideration.

77. It is acknowledged that the development goes a long way in realising the town centre vision, whilst providing a good number of new homes and contributions towards affordable housing, heathland mitigation, and local highway improvements.
78. However, it needs to be noted that some of these benefits are required to be provided under the provisions of your AAP Policy A31 and other adopted policies. They are not all additional benefits, but ones that are expected to be delivered. As with the previous scheme, the additional numbers of housing units are considered to be a significant material benefit in the context of the emerging national housing growth agenda.

Planning Balance

- 79 In accordance with paragraph 38 of the NPPF the Council takes a positive and proactive to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:
- offering a pre-application advice service,
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
80. In this instance the applicant sought advice prior to the submission of the formal application. Officers have maintained an open dialogue with the applicants throughout this application. The amendments sought are not considered to detract from the scheme previously supported by the Planning Board of the former Bournemouth Borough Council.
81. For continuity purposes and to avoid confusion, conditions no. 2, 3, 4, 5, 6, 7, 8 and 9 pursuant to permission ref. 7-2019-1273-AZ (the Landscape Reserved Matters approval) are also proposed be added to a new decision notice because they relate to landscape matters that must be complied with and/or discharged. These are included in the recommendation below. As the details have already been agreed, the landscaping reserved matter can be removed from the decision notice, it will remain subject to the conditions cited above. The time limit for implementation shall also reference the reserved matters time limit, meaning the development must be commenced within two years from the date the reserved matters were granted. This will ensure the development is brought forward in a timely manner.
82. Having considered the appropriate development plan policies and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this recommendation are set out above.

Recommendation

83. Delegate authority to the Head of Planning and Building Control to GRANT permission following the satisfactory completion of a Unilateral Undertaking with the following terms and with the following conditions both of which are subject to alteration/addition by the Head of Planning and Building Control provided any alteration/addition does not go to the

core of the decision. (In the event that the legal agreement is not satisfactorily concluded within a reasonable timescale the Head of Planning may refuse the application).

Section 106 terms

Heathland Mitigation (SAMM) - £101,682 plus £1000 admin;
Affordable Housing - £1,000,000 to be reviewed;
CCTV - £96,000;
Variable Message Signs (VMS) - £75,000;
Highway Improvements to the BIC Roundabout - £100,000;

Dedication or appropriation of land to the LHA in relation to the Development Control line;

The applicant will need to enter into a formal Public Path Order (PPO) process with the Council to legalise the proposed diversion of the PRoW and the requirement for this should be included in the Legal Agreement;

A S278 Agreement shall be entered into for the highway and public realm works agreed under the outline consent, to be implemented by the applicant and these works shall be completed prior to occupation of any part of the development.

Conditions

1. Decision Notice Expiry

The development to which this permission relates must be begun not later than the expiration of two years beginning on 04 November 2019.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act, 1990.

2. Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents taking into account that this is an outline permission and subject to reserved matter approval:

001D, 005, 500G, 501J, 502J, 503J, 504J, 505J, 506J, 507J, 508H, 509H, 510G, 511C, 512B, 513B, 514B, 515B, 516B, 522C, 523C, 524C, 525A, 526G, 527F, 528F, 529F, 530F, 531F, 532F, 533F, 534F, 535F, 536E, 537C, 538D, 539A, 541G, 542F, 543F, 544F, 545F, 546F, 549F, 550E, 551E, 552E, 553E, 554E, 555E, 556E, 557E, 558E, 559E, 560E, 561E, 562E, 563E, 564D, 568D, 569D, 570D, 571D, 572D, 573D, 574D, 575D, 576D, 577D, 578D, 579D, 580D, 581C, 584D, 585D, 586D, 587D, 588D, 589D, 600E, 601F, 602G, 603F, 604E, 605E, 607F, 608C, 609G, 700F, 701F, 702F, 703G, 704F, 705G, 706D, 711F, 712E, 713F, 718F, 719F, 720F, 725D, 726D, 727D, 730, 801D, 802D, 803D, 804D, MSBOURNEMOUTH.1/34E, D2420-L001Rev04, D2420-L100Rev16, D2420-L200Rev06, D2420-L201Rev06, D2420-L202Rev06, D2420-L203Rev06, D2420-L204Rev04, D2420-L205Rev03, D2420-L206Rev01, D2420-L210Rev01.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Description of Development

The development shall comprise 378 residential apartments (use class C3) in buildings between 3 storeys & 15 storeys, 4369sq.m. of leisure (use class D2), 426sq.m. of convenience retail (use class A1), 1043sq.m. of restaurant/cafe (use class A3), 380sq.m. of mixed use restaurant/bar (use class A3/A4), 195sq.m. of offices (use class B1), associated servicing & loading areas, 225 public car parking spaces, 295 private car parking spaces, public open space, public realm enhancements & associated engineering works.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Phasing of demolition to be agreed

Prior to any demolition works commencing, a phasing scheme for the site clearance shall be submitted to and approved in writing by the Local Planning Authority. Adequate site screening and hoardings shall be erected prior to demolition commencing and the phasing scheme shall be carried out as approved.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of the visual amenities of the locality in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. Phasing of development to be agreed

Prior to commencement of the development a phasing scheme for the whole development shall be submitted to and approved in writing by the Local Planning Authority. Within the scheme the leisure space shall be fully constructed prior to the first occupation of the residential accommodation and the scheme shall be implemented as approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To secure the proper development of the site and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. Prior Approval of Materials, Components and Architectural Detailing

Details/samples of the materials to be used in the development; including the render, cladding, brickwork, balcony finishes, glazed balustrading, window/doors, glass tint, glazing to non-residential units, window heads and cills shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any Superstructure works on site. Development shall be carried out in accordance with the approved details. Approval and implementation of these details may be on a building by building basis.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7. Scheme for external pipework

Prior to the commencement of any Superstructure works on site a scheme for external pipe work and flues shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved scheme and unless shown on the approved elevation drawings any pipe work (with the exception of rainwater down-pipes) shall be internal to the buildings. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. Hours of use

The commercial A1/A3/A4 uses hereby permitted shall not be open to customers outside the following times: 07.00 hours and midnight. The D2 uses hereby permitted shall not be open to customers outside the following times: 06.00 hours and midnight.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

9. Restriction of hours for external terrace areas

The use of the external terrace/balcony areas for the non-residential uses hereby permitted shall not be open to any customers outside the following times: 07.00 hours and 23.00 hours.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

10. On site working hours (inc demolition) restricted when implementing permission

All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8am and 1.00pm Saturday, and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policy CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

11. Construction management plan

No site clearance or development work shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed Construction Management Plan that includes the following measures:

- a) parking arrangements for operatives and construction vehicles working on-site;
- b) noise reduction measures, including times of piling operations if used;
- c) details and siting of equipment, machinery and surplus materials on the site;
- d) proposals to control and manage construction and delivery traffic;
- e) details for the loading and unloading of plant and materials;
- f) details for the wheel cleansing of vehicles prior to egress from the site onto the public highway; and the
- g) proposals to direct the public to alternative public parking locations during the construction period.

The approved Construction Management Plan shall be implemented and complied with upon commencement of the development and the obligations within the Construction Management Plan shall be adhered to throughout the construction phase of the development. Approval and implementation of these details may be on a building by building basis.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS14, CS16, CS38, and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

12. Dust management plan

Prior to commencement of development a detailed Dust Management Plan shall be prepared, submitted to and approved in writing by the Local Planning Authority. The approved Dust Management Plan shall be implemented and complied with upon commencement of the development and shall be adhered to throughout the entire construction phase of the development. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of highway safety, in accordance with Policy CS38 of the Bournemouth Local Plan Core Strategy (October 2012).

13. Security measures to be agreed

Prior to the first occupation of any part of the development, a strategy for security measures including CCTV and public area lighting to be installed throughout the development area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a management plan including details of access controls to the public and private areas of the site. The approval and implementation of security measures in accordance with the agreed strategy may be on a building by building basis, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is secure and designed to minimise crime and disorder, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

14. Prior agreement of LPA for certain construction operations

Unless otherwise agreed in writing by the Local Planning Authority no operations involving the use of pile-driving or earth-compaction equipment or the use of explosives to facilitate the removal of soil, etc., shall be commenced until a scheme of works relating thereto is approved in writing by the Local Planning Authority. Such a scheme shall include specifications for the mitigation of airborne noise and ground-borne vibration and shall be carried out as approved. Approval and implementation of these details may be on a building by building basis.

Reason: The Local Planning Authority wish to be satisfied that the constructional activities do not adversely affect the amenities of the locality and in accordance with Policy CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

15. Tree protection

No site clearance or development work shall commence until there have been submitted to and approved in writing by the Local Planning Authority an arboricultural method statement and detailed drawings, showing:

(a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees and other vegetation to be retained on and adjoining the site. Protective fencing should accord with the recommendations of BS 5837:2005 'Trees in Relation to Construction';

(b) the programme for the erection and maintenance of protective fencing and the installation of any other protective measures; such programme will include details of supervision by an arboriculturist;

(c) details of any proposed alterations in existing ground levels and of the position of any proposed excavation and constructional details of any drainage, hard surfacing, foundations, walls and similar works within the protected area;

(d) details of contractors compounds and areas for storage; and

(e) schedule of proposed tree works.

The details contained in the approved arboricultural method statement and drawings shall be implemented on site and the protective fencing and other protective measures shall be maintained during the course of construction, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

16. Sound proofing of dwellings

All residential units shall be designed in accordance with the following design guidance levels:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours / 45 dB LAmax,fast (not to be exceeded more than 10-15 times/night)

Prior to commencement of any superstructure works, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The acoustic report shall include:

- Data obtained from attended noise monitoring of the site to characterise the daytime (07.00-23.00) and night-time (23.00-07.00 hours) noise environment. Specific reference shall be made to the existing noise climate.
- A prediction of the noise levels associated with leisure facilities within the development, including restaurants, bars, retail and office spaces;
- Sound insulation provisions for structures separating areas of differing use; and
- Sound insulation provision for controlling external noise intrusion into the development (including the finalised acoustic specifications of windows and any 'alternative means of ventilation'; and external features including balustrades and acoustic soffit treatments.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter. Approval and implementation of these details may be on a building by building basis

Reason: In order to safeguard the amenities of future occupiers of the noise sensitive development, in accordance with Policy CS38 of the Bournemouth Local Plan Core Strategy (October 2012).

17. Noise of plant equipment

Plant equipment serving the proposed development shall meet the following criteria in accordance with BS4142:2014. *

Location Day TIME Night -Time

(07:00 -23:00 hours) (23:00 – 07:00 hours)

LAeq,T dB LAeq,T dB

Properties fronting Exeter Road 40 40

Properties fronting Priory Road 38 32

Properties fronting Tregonwell Road 32 25

Properties fronting Cranborne Road 32 25

* Based on 10dB(A) below minimum background noise levels and shall be a cumulative noise rating.

Noise emissions from any grille opening onto an amenity space or public realm shall not exceed a sound level greater than 55dB(A) measured at a distance of 1.5m

Prior to occupation of the development written evidence shall be submitted to the LPA confirming that these criteria have been met. Approval and implementation of these details may be on a building by building basis.

Reason: In order to protect the residential amenities of the occupiers of the proposed development, in accordance with Policy CS38 of the Bournemouth Local Plan Core Strategy (October 2012).

18. Surface water drainage

The surface water drainage scheme contained within the Flood Risk and Preliminary Drainage Strategy Report compiled by Calcinotto and dated August 2017 shall be implemented in full, maintained and retained thereafter.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

19. Fume extraction scheme

Prior to occupation or such other time as agreed in writing with the Local Planning Authority, a scheme for the control and extraction of fumes, gases, odours and other effluvia from the site shall be submitted to and approved in writing by the Local Planning Authority. All elements of the approved scheme including noise attenuation of the extraction system shall be implemented prior to the use of the development commencing and shall thereafter be properly maintained. Approval and implementation of these details may be on a building by building basis.

Reason: To protect the amenities of occupiers of adjoining properties and in accordance with Policy CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

20. Energy efficiency/conservation scheme

A detailed energy efficiency/conservation scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented in full for each building prior to the occupation of each building. The scheme shall be in accordance with the Sustainability and Energy Statement prepared by Hoare Lea dated August 2017 and updated 22 January 2020, together with the provision of PV panels as highlighted in the agents letter dated 06 April 2020. Approval of these details and implementation may be on a building by building basis.

Reason: In the interests of encouraging the provision of sustainable homes, premises and the provision of renewable and low carbon energy sources and infrastructure in accordance with the aims of Policies CS2 and CS3 of the Bournemouth Local Plan: Core Strategy (October 2012).

21. Water efficiency

Prior to the occupation of the development, or such time as shall be agreed in writing with the Local Planning Authority, a scheme for water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and used, retained and maintained thereafter. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of sustainable development and prudent use of natural resources.

INFORMATIVE: The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Grey water recycling and rainwater harvesting should be considered.

22. Contaminated land

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses

- potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

The Scheme shall be carried out as approved. Approval and implementation of these details may be on a building by building basis.

Reason: To ensure that the development is carried out safely in the public interest and in accordance with best practice and with saved Policy 3.20 of the Bournemouth District Wide Local Plan (February 2002).

23. Oil Interceptor (contamination)

Prior to being discharged into any watercourse, surface water sewer, soakaway system or main public sewer all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

24. Refuse management plan

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Approval of these details may be on a building by building basis.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

25. Car park management plan

Prior to occupation of the development a detailed Car Park Management Plan shall be prepared, submitted and approved in writing by the Local Planning Authority acting in conjunction with the Local Highway Authority. The approved Car Park Management Plan shall be implemented upon occupation of the development and the Car Park Management Plan shall be permanently complied with thereafter unless otherwise agreed in writing with the Local Planning Authority. Approval of these details may be on a building by building basis.

Reason: In the interests of highway safety, in accordance with Policy CS16, CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

26. Travel plan

At least three months prior to occupation of the development, the Travel Plan which shall cover a minimum period of five years following first occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented and monitored by the developer/occupants who shall submit annual monitoring reports to the Local Planning Authority for the agreed duration of the Travel Plan, and the Travel Plan shall be modified if considered necessary as a result of the monitoring. The Travel Plan for the commercial units shall include a commitment to register with the County Wide Business Travel Network and achieve a minimum of the Accreditation Award Scheme Silver Standard within the first year and the Gold Standard in all subsequent years, unless otherwise agreed in writing by the Local Planning Authority. Approval and implementation of these details may be on a building by building basis.

Reason: To reduce single car occupancy use and to promote alternative modes of transport in accordance with Policy CS15 of the Bournemouth Local Plan: Core Strategy (October 2012).

27. Service and Deliveries Management Plan

Prior to occupation of the development a detailed Service and Deliveries Management Plan shall be prepared, submitted and approved in writing by the Local Planning Authority, acting in conjunction with the Local Highway Authority. The approved Service and Deliveries Management Plan shall be implemented upon occupation of the development and the Service and Deliveries Management Plan shall be permanently complied with thereafter unless otherwise agreed in writing with the Local Planning Authority. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of highway safety, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

28. Cycle parking

Within six months of commencement of the development, unless agreed in writing by the Local Planning Authority, details of a cycle parking facilities and cycle store(s), showing the site location, elevations, cycle rails adjacent to the steps leading to Priory Road, single 1100mm doors to the stores, 1.5m (minimum) wide access routes, internal lighting and materials to be used in their construction including masonry walls on all sides, and two-tier parking details shall be submitted to and approved in writing by the Local Planning Authority. The details of the two-tier cycle parking facilities should ensure that the cycles should be at a minimum spacing of 500mm centres. The approved cycle parking facilities and cycle store(s) shall be completed prior to the occupation of the development and shall be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority. Approval and implementation of these details may be on a building by building basis

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

29. Boardwalk

Notwithstanding the submitted plans, within three months of commencement of the superstructure works for Building C, unless otherwise agreed in writing by the Local Planning Authority, details of the location of the Boardwalk, which should be fully within the development site boundary with appropriate boundary treatment such as a permanently maintained fence (or similar) and details of associated tree loss, and details of its materials and construction, or an alternative solution to the boardwalk, shall be submitted to and approved in writing by the Local Planning Authority. Details of appropriate lighting along the boardwalk should be included with the details together with details of a safe access route which should be provided on the western entrance of the boardwalk, or alternative solution, at Tregonwell Road based upon the anticipated route that mobility impaired persons would use to access the boardwalk or alternative solution. The boardwalk, or alternative solution, and safe access route to it from Tregonwell Road shall be constructed and surfaced in accordance with the approved details prior to occupation of Building C and thereafter be permanently maintained, retained and kept available for the general public and residents and visitors of the development at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS18 of the Bournemouth Local Plan: Core Strategy (October 2012).

30. Public Right of Way

Notwithstanding the submitted plans, prior to the commencement of any superstructure works, or such time as shall be agreed in writing with the Local Planning Authority, details of the Public Right of Way, including details of its route, width, construction, materials, provision of handrails, lighting along its route and details where it crosses the private vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The Public Right of Way shall be constructed and surfaced in accordance with the approved details and thereafter be permanently maintained, retained and kept available for safe public use at all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS18 of the Bournemouth Local Plan: Core Strategy (October 2012).

31. Visibility splays

Before the development hereby permitted is brought into use and notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modifications) the visibility splay(s) shown on the approved plans shall be cleared of all obstructions over 0.600 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated.

Reason: In the interests of highway safety and to ensure adequate connection with the highway network.

32. Access/Turning/Parking/Loading/Unloading

Notwithstanding the submitted plans, within six months of commencement of the development, details of the specification (a typical cross section of the surfacing is required) of the access and areas for turning and parking, including the marking out of spaces, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall also include the specification of the construction materials for the access to accommodate refuse, emergency and heavy goods vehicle loading to adoptable road standards. The details shall also include final details of the car parking layout, including 225no. public car parking spaces, 295no. residential car parking spaces, 2no. spaces for the B1 office use, the number and location of disabled bays, an office with washroom facilities, CCTV and back office facilities, the number and location of Electric Vehicle Charging Points, and a pedestrian walkway adjacent to the public car park access barriers, the width of which shall be agreed in writing with the LPA. These areas and facilities shall be constructed/provided and surfaced in accordance with the approved details and shall be permanently retained and kept available for the residents and visitors of the development hereby permitted at all times. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

33. Unallocated Parking

All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.

Reason: In the interests of highway safety and quality design in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

34. Approval of a SANG

No part of the residential development hereby approved shall be commenced prior to planning approval being given for Phase 1 of the change of use of Hicks Farm to a strategic SANG. Should planning approval not be granted at Hicks Farm, no part of the residential development hereby approved shall be commenced prior to planning approval being given for the change of use to a strategic SANG at an alternative site to be proposed in consultation with Natural England.

Reason: In order to mitigate the impacts of the development on the Dorset Heathlands international designations in accordance with Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).

35. Strategic SANG Delivery Strategy

No part of the residential development hereby approved shall be commenced until details of The Strategic SANG Delivery Strategy is submitted to and approved in writing by the local planning authority, in consultation with Natural England. The Strategic SANG Delivery Strategy will set out the necessary SANG parameters in terms of size, location, phases, quality and visitor infrastructure and how and by when they will be delivered and completed.

Reason: In order to mitigate the impacts of the development on the Dorset Heathlands international designations in accordance with Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).

36. Provision of a SANG

No part of the residential development hereby approved shall be occupied prior to the completion of the first phase of the strategic SANG at Hicks Farm, or a strategic SANG at an alternative site proposed in consultation with Natural England, in accordance with the Strategic Sang Delivery Strategy.

Reason: In order to mitigate the impacts of the development on the Dorset Heathlands international designations in accordance with Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).

37. Biodiveristy Mitigation Plan

Prior to the commencement of development, an updated Biodiveristy Mitigation Plan (BMP) shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Dorset County Council. The recommendations and mitigation measures set out in the updated BMP shall be implemented, maintained and retained thereafter.

Reason: In the interests of encouraging the provision of green infrastructure and promoting biodiversity in accordance with the aims of Policy CS30 of the Bournemouth Local Plan: Core Strategy (October 2012).

38. Signage Zones

All signage relating to the commercial units shall be located within designated signage zones, the details of which shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved prior to the use of those units commencing.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

39. Public Art

Prior to the commencement of any Superstructure works on site, details of a bespoke scheme of public art to be provided on-site, including details of the timescales for its delivery, future maintenance and all costings associated with the installation, shall be submitted to the local planning authority for comment. The scheme of public art shall be limited to value of no less than £50,000 unless otherwise agreed in writing with the Local Planning Authority, and completed on a building by building basis prior to the first occupation of each building and retained and maintained thereafter.

Reason: In accordance with Policy D7 of the Bournemouth Local Plan: Town Centre Area Action Plan (March 2013) and saved Policy 4.24 of the Bournemouth District Wide Local Plan (February 2002).

INFORMATIVE NOTE: The design and finish of the public art should be considered at an early stage and integrated into the built fabric of the development.

40. Play areas

Prior to the commencement of any Superstructure works on site, full details of the play area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include hard and soft landscaping, green walls/climbing plants on the podium, steps and access, seating and play equipment. The details shall include the phasing of when the play area will be

constructed and provided and shall be retained and maintained thereafter following its provision. The details shall be implemented as approved.

Reason: In accordance with Policy CS31 of the Bournemouth Local Plan: Core Strategy (October 2012) and Policy D7 of the Bournemouth Local Plan: Town Centre Area Action Plan (March 2013).

41. Landscaping details and management

Prior to the commencement of any Superstructure works on site, full planting plans, schedules of plants include species, size of plants, number of plants, soil specification, mulches, continual maintenance program and phasing details, shall be submitted to and approved in writing by the Local Planning Authority. All approved landscaping shall be implemented in accordance with the approved programme and retained thereafter. Any subsequent variations to the landscaping must be agreed in writing with the Local Planning Authority prior to them being implemented. Approval and implementation of these details may be on a building by building basis.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

42. Tree Planting

Prior to the commencement of any Superstructure works on site, full details of proposed tree planting, species, sizes, staking and/or ground anchors, details of the specifically designed linked tree pit systems in the hard landscaped areas including irrigation, construction, soil volumes, type of soil and soil enhancement and phasing details shall be submitted to and approved in writing by the Local Planning Authority. The proposed tree palette should include trees which have the potential to grow into large specimens to maintain and increase the tree cover in this area. All approved tree planting shall be implemented in accordance with the phasing details maintained and retained thereafter. Any subsequent variations to the landscaping must be agreed in writing with the Local Planning Authority prior to them being implemented. Approval and implementation of these details may be on a building by building basis.

Reason: To maintain the visual amenities of the area and in accordance with saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

43. Green roofs

Prior to the commencement of any Superstructure works on site, full details of the green roof design, species, size of plants, number of plants together with full details of the balcony planting to include planting containers, irrigation, plant species, size of plants, number of plants, phasing details and continual maintenance program shall be submitted to and approved in writing by the Local Planning Authority. All approved details shall be implemented in accordance with the phasing details and maintained and retained thereafter. Any subsequent variations to the landscaping must be agreed in writing with the Local Planning Authority prior to them being implemented. Approval and implementation of these details may be on a building by building basis.

Reason: In the interests of visual amenity and sustainability and to accord with saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

44. Hard landscaping

Prior to the commencement of any Superstructure works on site, full details of hard landscape works, including the agreed areas of the `public realm` and phasing details, shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include:

- a) Water features;
- b) Lighting;
- c) Bollards;
- d) Seating;
- e) Tree grills;
- f) Other street furniture;
- g) Construction and services details in proximity to trees; and
- h) Proposed finished levels and contours.

The approved hard landscape scheme shall be implemented in full prior to the occupation or use of the development commencing and permanently maintained and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

45. Landscape management plan

Prior to the commencement of any Superstructure works on site, a landscape management plan, to include management responsibilities and continual maintenance schedules for all landscape areas within the external public area shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved unless agreed otherwise, in writing with the Local Planning Authority. Approval and implementation of these details may be on a building by building basis.

Reason: To ensure that the proposed development includes a long-term management plan for the landscaped areas in the interests of visual amenity and to accord with saved Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

INFORMATIVE NOTE: Definition of superstructure: the above pavement/ podium element of each building.

INFORMATIVE NOTE: The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

INFORMATIVE NOTE: The applicant is advised that in order to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no surface water or loose material drains/spills directly from the site onto the highway.

INFORMATIVE NOTE: As a consequence of public car park layout, many parking spaces are provided within dead end aisles that are not part of a circulation system. This will increase the time taken for a driver to find a vacant space and will generate unnecessary U turn manoeuvres within the car park. The applicant is therefore advised that these issues can be resolved through the implementation of a dynamic car park signage system that will direct drivers to available spaces.

INFORMATIVE NOTE: Definition of superstructure: the above pavement/ podium element of each building.

INFORMATIVE NOTE: The highway improvements referred to in the Section 106 agreement relating to the highway and public realm works shall be carried out to the specification of the Local Highway Authority in consultation with the Local Planning Authority (Section 278 of the Highway Act 1980), before the first occupation of the development.

INFORMATIVE NOTE: In accordance with The Conservation of Habitats and Species Regulations 2017 this application has been the subject of an Appropriate Assessment on the implications of the development on European wildlife sites. The Local Planning Authority as the competent authority having considered the Appropriate Assessment have concluded that the development will not adversely affect the integrity of the European wildlife sites providing that the conditions as recommended in the Appropriate Assessment and as set out in this decision notice are implemented.

Comments of the Highways Officer

Updated Highway Comments (30/4/20)

Alterations to the permitted scheme

The applicant has provided a technical note (Summary of scheme alterations) which sets out the proposed changes to transport provision when compared to the permitted scheme plus responses to the previous highway comments.

Transport contributions

The signed S106 agreement includes provisions that the owner will pay the Council £100,000 towards improvement works at the BIC roundabout and £75,000 towards VMS signs and loop detection.

Development Control Line

The revised plans now show the development control (DC) line on Priory Road. The signed S106 agreement sets out that this land will be dedicated as public highway (First Schedule, section 3.1).

Access

Highway access remains unchanged from the approved scheme. Internal access to the podium and private car park has been reconfigured with the ramps to these two areas swapped over and the PROW crossing at grade, rather than the car park access passing beneath it. The general layout is acceptable, subject to improvements to the PROW crossing as set out below.

Car parking provision

Public car parking with 225 spaces is retained. 295 car parking spaces are proposed for the residential use, plus 2 for the B1 office use. The revised plans now indicate that the reduced number of residential car parking spaces will now all be unallocated, which is acceptable. The number of car parking spaces for each use can be conditioned within an amended condition 30. A provision to maintain unallocated car parking is included within existing condition 31, but the wording needs to be improved, so the LHA's standard condition for unallocated car parking is provided as a replacement condition 31.

Disabled car parking

The revised plans indicate 5% of disabled car parking spaces in the private (unallocated) car park, which is acceptable.

Car parking layout

The car park layout is now acceptable.

Cycle access to the site

The revised plans indicate that:

- cycle access from Cranborne Road is possible via a pedestrian/cycle gate measuring at least 1.1m in width.
- A direct pedestrian/cycle access is provided via Priory Road via steps and a zig zag ramp. In order to allow cyclists to easily pass through this area, cycle rail should be provided adjacent to the steps. This can be addressed in amended condition 26.

Cycle parking provision

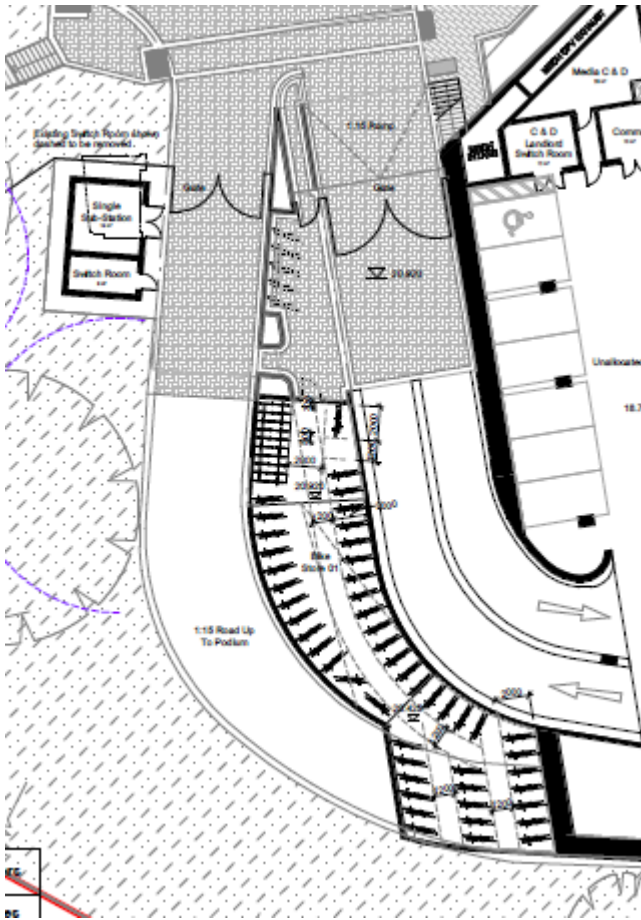
378 residential spaces are proposed plus 38 residential visitor spaces and 60 public visitor spaces. The level of provision is acceptable

Cycle parking layout

Significant alterations to the cycle stores are proposed when compared with the permitted scheme. 57.8% of the cycle parking is provided with Sheffield stands (286 spaces) and 42.8% with Josta stands (214 spaces) at 500mm spacing. All of the Josta stands are within the residential secure stores, so they represent 57% of residential spaces. Some of the Josta stands hold the cycles level and some appear to be angled stands (possibly 45 degrees or vertical cycle storage). These types of cycle stand are not normally acceptable, as they are more difficult to use. The dimensions of the cycle stores are considered acceptable, but it would be beneficial to review the type and layout of the cycle stands prior to implementation to ensure that the best type and mix of stands are installed. In addition, cycle stores 1 and 2 appear to have a wooden finish, but it is unclear if the main construction is masonry, as in accordance with the Parking SPD. These issues can be addressed by amending condition 26.

Cycle store between ramp to podium and private car park

The access to the visitor and residents' cycle stores (cycle store 1) has been improved with better visibility (a full height wall has been replaced with what appears to be a low wall between the two ramps) but the access to the cycle stores remains constrained (1.25m width rather than 1.5m as set out in the Parking SPD). It appears that the car park access could be narrowed slightly to provide the full 1.5m cycle access width. This can be conditioned by amending condition 26.



Cycle store between ramp to podium and private car park

Dropped kerbs and tactile paving

The applicant has suggested that details of dropped kerbs and tactile paving will be considered as part of the detailed design of the S278 highway works. The LHA considers that these features should normally be identified at the planning stage to ensure that these measures are provided.

Cranbourne Road southern footway/Boardwalk

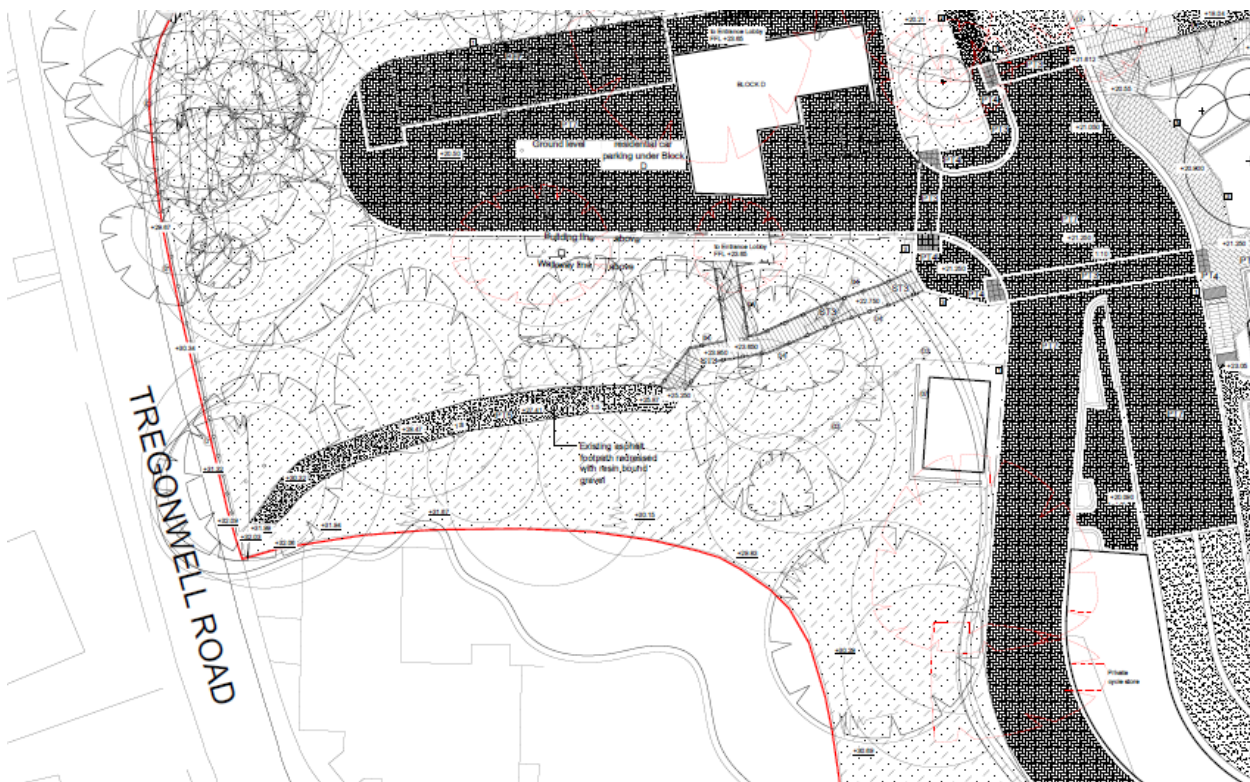
The applicant has advised that the MMA application does not propose any changes to the boardwalk from the approved scheme, so condition 27 should remain. This is acceptable.

Public right of way (PROW)

The LHA raised a concern about the proposed re-routing of the PROW. The route of the proposed PROW diversion is not clear from the plans, as there are two potential routes, shown in light blue on the plan below. A surface treatment is indicated across the vehicular access on both potential routes. The south eastern route is now crosses the vehicular access for a distance of 15m at grade, whereas in the approved scheme this conflict was grade separated, with the car park access going under the PROW. This introduces additional conflict with vehicles, so should be treated with a zebra-type crossing using black and white setts, supported by appropriate signage, to indicate that pedestrians have priority. Belisha beacons are not required. The PROW section with steps and handrails is only 1.5m in width, which is very narrow and should be a minimum of 2m. The retained section of PROW is proposed to be treated with resin bound gravel, which is acceptable. The construction, surfacing and lighting of the PROW are covered in existing condition 28, but an amendment is required to include details of the proposed diversion, width, gradient, provision of handrails and details of where it crosses the private vehicular access.



Existing PROW (shown in purple) overlaid onto Overall Podium Plan with two potential PROW diversion options shown indicatively in light blue



Revised route of PROW (western section)

The PROW will need to be diverted under section 257 of the TCPA. This involves: 6 weeks pre order consultation; confirmation of the order by the council's transportation advisory group; followed by a further 6 weeks consultation. The PROW will then be diverted on completion of the development. The process could take longer if there are objections to the order.

The Police contacted BCP Council PROW team on 28/4/20 regarding a drug dealing issue at the PROW entrance at Tregonwell Road. They requested that vegetation should be removed.

Pedestrian facilities at public car park entrance

The green area circled below shows a 1m footway on a blind corner which is narrower than the permitted scheme and is unacceptable. The applicant should submit proposals to address this matter with a minimum pedestrian access width of 2m. This can be addressed by amending existing condition 30. All residential car parking will now be unallocated, so the provision for allocated car parking can be deleted from this condition.



Narrow pedestrian access width adjacent to public car park barriers

Public car park direction system

The LHA requested that details of a dynamic car park signage system be provided, given the number of parking areas which are not part of the circulation system. The applicant advises that the proposed layout contains the same number of dead-end runs as the approved scheme and many are now shorter. The LHA considers that a dynamic signage system would offer benefits to the operation of the car park, but cannot compel the applicant to provide such a system through the planning system. It is considered therefore that, as the Council are part landowner of the development, an Informative Note should be added to any Decision Notice if the application is approved, indicating the LHA's recommendation that a dynamic car park signage system be implemented in the public car park.

RECOMMENDATION:

No highway objection subject to revised conditions.