

## PLANNING COMMITTEE



Application Address	Christchurch Police Station, Barrack Road, Christchurch, Dorset, BH23 1PN
Proposal	Erection of 130 residential dwellings, 39 units of age-restricted sheltered accommodation (C3), and 612 m2 of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes), new road between Bargates and Barrack Road, new vehicular access from Barrack Road (to serve sheltered accommodation only), new private and semi-private gardens, public open space, hard and soft landscaping, surface vehicular parking and residential garages, following the demolition of the Police Station and Magistrates' Court, nos. 23 and 41 Barrack Road, former Goose and Timber public house, and ancillary buildings and structures.
Application Number	8/18/3263/FUL
Applicant	Aster Homes Ltd
Agent	Savills
Date Application Valid	27 November 2018
Decision Due Date	26 February 2019
Extension of Time Date (if applicable)	
Ward	Christchurch Town
Report status	Public
Meeting date	26 November 2020
Recommendation	<p>Approve subject to S106 to cover the following Heads of Terms;</p> <ul style="list-style-type: none"> <li>• 31% Affordable Housing including social rented, intermediate and home ownership.</li> <li>• HIPs financial contribution of <b>£700,000</b> and HIPs management plan</li> </ul>

	<ul style="list-style-type: none"> <li>• Heathland SAMM contribution - <b>£50,711.00</b></li> <li>• Education contribution - <b>£251,966.40</b></li> <li>• Financial contribution for re-positioning and additional Surveillance cameras - <b>£25,000</b></li> <li>• Land to be given over for highway adoption with those areas identified on a plan (roads including on-street parking bays, road turning areas, footways and cycleways).</li> <li>• Toucan crossing across Barrack Road adjacent to the Fountain roundabout</li> <li>• Double pedestrian crossing across Barrack Road adjacent to the Fountain roundabout</li> <li>• Toucan crossing across Bargates adjacent to the Fountain roundabout</li> <li>• 2 x Vehicle Activated Signs - <b>£14,000</b></li> <li>• Bus stop, shelter and associated works, including Real Time Information on Barrack Road</li> <li>• Traffic Regulation Orders – Legal fees, signage and road marking, “No right turn” orders for accesses off Barrack Road, parking restrictions and on-street parking bays within the site and Beryl bike scheme parking bays. - <b>£10,000</b></li> <li>• Residential Travel Plan</li> <li>• S278 agreement for works to the highway</li> <li>• Permissive route for pedestrians and cyclists to rear of Block A linking Bargates to Barrack Road.</li> </ul> <p>and the conditions as set out in Recommendation section of report.</p>
Reason for Referral to Planning Committee	<p>The application was heard by Planning Committee on 20 February 2020 in the wider public interest. This is a major application where BCP Council has an interest in part of the land within the application site.</p> <p>It has been brought back to Planning Committee to provide further clarification on the main following issues;</p> <ul style="list-style-type: none"> <li>• Five year housing land supply</li> <li>• Biodiversity</li> <li>• Policy LN1- Residential unit sizes and HQI's</li> <li>• Residential amenity</li> <li>• Education contribution</li> </ul>

Case Officer	Sophie Mawdsley

## DESCRIPTION OF DEVELOPMENT

1. The application seeks permission for the 'Erection of 130 residential dwellings, 39 units of age-restricted sheltered accommodation (C3), and 612 m<sup>2</sup> of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes), new road between Bargates and Barrack Road, new vehicular access from Barrack Road (to serve sheltered accommodation only), new private and semi-private gardens, public open space, hard and soft landscaping, surface vehicular parking and residential garages, following the demolition of the Police Station and Magistrates' Court, nos. 23 and 41 Barrack Road, former Goose and Timber public house, and ancillary buildings and structures'.

2.

Site Area	2.17ha
No of dwellings	169 dwellings 116 market housing (including 39 age restricted units) and 53 affordable units
No of affordable dwellings	31% = 53 units (31 x 1 beds, 16 x 2 beds and 6 x 3 beds)
Commercial	612 m <sup>2</sup> of flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only)
Parking	185 spaces including surface and basement parking

3. As part of the application the existing Police Station and Magistrates Court buildings, the residential properties No 23 and No 41 and the former public house (Goose & Timber) on Barrack Road will be demolished.
4. The sheltered housing with an age restriction would provide independent apartments along with a communal lounge, communal gardens, a guest suite and parking. This accommodation would be restricted to persons aged 55 + and managed and operated by a retirement management company.
5. The proposed commercial space would front the Fountain roundabout. The flexible space allows for a range of different uses depending on market conditions. At the current time, there is interest from Discover Science Christchurch to develop the space as an interactive science museum/centre.

6. During the application process, in response to the consultation responses, the representations from local residents and negotiation with the case officers, revisions have been made to the proposed plans and supporting documents. The main changes included:
  - Provision of a new bus stop and shelter on Barrack Road
  - Provision of a pedestrian crossing on Bargates
  - Additional parking spaces and cycle lane around Barrack Road frontage
  - Revisions to the design and materials of a number of the buildings
  - Revisions to the Biodiversity and Enhancement Mitigation Plan and landscape enhancements including enlargement of the ecological corridor.
  - Increase of finished floor levels of Blocks A and B in the interests of flood mitigation.
7. In September 2020, a number of the plans and supporting information were updated and revised and a 21 day consultation period took place. The changes to the plans are set out in the covering letter (with amendment details) but include;
  - Internal layout changes
  - Window reconfiguration
  - Parking and path layout
8. The Biodiversity Mitigation Plan has been revised to take account of the fact that BCP Council is no longer signed up to the Dorset Biodiversity Protocol. Schedules of the accommodation have been submitted to show an assessment against the HQI indicators of unit size and private open space provision across the development.
9. A Screening Opinion request was submitted to the Council on 13 March 2018 to determine whether the application required an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Screening Opinion concluded the following;
  - The development was not Schedule 2 development
  - The site was not within a sensitive area
  - The development does not exceed the applicable threshold in Schedule 2
  - Taking all relevant considerations into account the development is considered likely to not have significant environmental effects.
10. Therefore, the development is not EIA development and an Environmental Statement is not required with the planning application.

## **KEY ISSUES**

11. Principle of development
12. Housing delivery and efficient use of land
13. Commercial uses
14. Mix of housing and Affordable Housing
15. Infrastructure and Planning Obligations
16. Layout, form and visual amenity
17. Heritage
18. Residential Amenity, noise and lighting
19. Open space provision and recreation
20. Access, parking and impact on local transport network
21. Trees, Biodiversity and Ecological considerations
22. Flood risk and surface water management

## **PLANNING POLICIES**

23. In accordance with Section 70(2) of the Town & Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **Development Plan**

24. The site is identified in the Christchurch and East Dorset Local Plan – Part 1 Core Strategy (April 2014) as a Town Centre Strategic Site under Policy CH1 (Christchurch Town Centre Vision). The Local Plan was formally adopted in 2014 having been found sound by a Planning Inspector and is the development plan for the district. As the development plan it is the starting point for the application of Section 38 above. The Local Plan has established the principle of development on the site.

### Local Plan Policy CH1: Christchurch Town Centre Vision

25. CH1 states:-

‘Christchurch will continue to act as the key town centre in the Borough and will be the main focus for retail development. Future growth and development will be based around promoting the town centre as a place to shop, participate in leisure activities, enjoy culture, access key services, and enjoy good food and drink. The attractive and historic environment of Christchurch town centre will contribute to its future vitality and viability whilst creating a vibrant multi-functional centre serving the needs of the local community and visitors alike.

The Town Centre sits at the top of the Christchurch town centre hierarchy (Policy KS6), is well served by public transport and has the most development

opportunities. The retail offer will be enhanced and the shopping environment improved to provide a more pleasant and pedestrian friendly townscape. Improvements in public transport services will be supported in conjunction with localised infrastructure improvements. Essential services and facilities will also be enhanced within the centre serving residents and local visitors to the town.

To achieve this vision:

1. Retail uses will be expanded and enhanced to promote the vitality and viability of the centre. The Town Centre will accommodate in the region of 7,500sqm of new comparison retail floorspace and 2,300sqm net convenience floorspace to meet future requirements to 2028.
2. Residents of the Borough will continue to have access to a variety of community services and cultural facilities; important town centre uses (such as the Regent Centre, the Central Library) will be retained and where possible enhanced. There is a need to expand the health and fitness offer in the town centre.
3. Expansion of evening economy uses such as restaurants/cafés/pubs will be encouraged especially along Church Street. This will enhance the vitality of the centre, making it a more vibrant place in the afternoon and evening hours.
4. The following sites have been identified as strategic sites that will play a pivotal role in delivering the Town Centre Vision and Key Strategy:
  - The Magistrates' Court Site
  - Saxon Square
  - The Lanes
  - Land between Bridge Street, Stony Lane South and the Civic Offices
  - Stony Lane
5. The strategic sites set out above will be brought forward in accordance with site specific allocations and further detail will be set out in a Site Allocations Development Plan Document. The Site Allocations DPD will also set out how flood risk will be managed for these strategic sites.
6. High density residential development will take place alongside the projected requirement for retail to provide a balanced, mixed use environment in areas outside those affected by high flood risk.
7. The Town Centre will seek to accommodate new office development which complements the overall retail strategy and the vitality and viability of neighbouring centres.
8. Townscape quality will be enhanced by sensitive development and improvements incorporating the built form and the spaces between, including

streets, squares, parks, waterfront and car parks. Only high quality development proposals that respect and enhance the historic character of the centre, and improve ease of movement and legibility, will be permitted.

Improvements to the linkage between the High Street and Bargates will be promoted in an effort to increase the flow of pedestrians between the shopping areas.

9. To minimise congestion and air pollution, the use of sustainable modes of transport will be encouraged. Christchurch Town Centre benefits from a comprehensive public transport network providing links both within the Borough and its surrounding areas via bus and rail services.

10. The Council will ensure that adequate parking levels are maintained within the Town Centre so as not to adversely affect vitality and viability.

More effective management of car parks will reduce pressure on 'core' car parks. A strategic signing strategy will also assist in making the best use of town centre car parks and in reducing congestion.'

## **26. Other relevant policies from the Development Plan**

KS1: Presumption in favour of Sustainable Development

KS2: Settlement Hierarchy

KS3: Green Belt

KS4: Housing Provision

KS5: Provision of employment land

KS6: Town Centre Hierarchy

KS7: Role of Town and District Centres

KS9: Transport Strategy and Prime Transport Corridors

KS10: Strategic Transport Improvements

KS11: Transport and development

KS12: Parking provision

HE1: Valuing and Conserving our Historic Environment

HE2: Design of new development

HE3: Landscape Quality

LN1: The size and type of new dwellings

LN2: Design, layout and density of new housing development

LN3: Provision of Affordable Housing

LN6: Housing and Accommodation proposals for Vulnerable People

LN7: Community Facilities and Services

ME1: Safeguarding biodiversity and geodiversity

ME2: Protection of the Dorset Heathlands

ME3: Sustainable development standards for new development

ME6: Flood Management, Mitigation and Defence

PC1: Christchurch and East Dorset Employment Land Hierarchy

**Saved policies -**

ES10: Loss of public houses

T12: Rear servicing for Bargates

T14: Cycle routes

H12: Infill development

H16: Crime prevention and design

BE4: New development in conservation areas

BE5: Setting of conservation areas

BE15: Setting of listed building

ENV5: Drainage of new development

P2: Magistrates Court site car park

P5: Loss of town centre car parking

**Supplementary Planning Documents and other material documents**

27. Christchurch Magistrates Court Site Development Brief (November 2003)

Dorset Heathlands Planning Framework 2020 to 2025 SPD (March 2020)

Affordable Housing SPD (December 2018)

Five year housing land supply 2019 – 2024 (May 2020)

Central Christchurch Conservation Area Appraisal (2005)

Christchurch Borough-wide Character Assessment (2003)

28. The Development and Planning Brief prepared for the former Magistrates Court site, police station and adjoining land at Barrack Road and Bargates in Christchurch was adopted in November 2003 and has been available to view on the Council website for a number of years. The Planning Brief provides a



framework for landowners and prospective developers to inform and deliver the development of this important site. The former Magistrates Court site has been identified by the (former) borough council as a unique opportunity in the heart of Christchurch for the development of a comprehensive and high quality mixed use scheme.

### **The National Planning Policy Framework 2019**

29. 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. The relevant sections are;

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 6 Building a strong, competitive economy

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flood risk and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

30. Section 2 Achieving sustainable development

*For **decision-taking** (Paragraph 11) this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(7), granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*Footnote 7 - (7) This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in [paragraph 73](#)); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the*

previous 3 years. Transitional arrangements for the [Housing Delivery Test](#) are set out in [Annex 1](#).

## **Developer Contributions**

31. As a Local Plan Strategic Site, the site is zero rated for Community Infrastructure Levy (CIL) charges. This is due to the need to avoid double counting of contributions required to mitigate the impact of residential development on protected European Heathlands where significant sites are required to provide SANGs, where heathland mitigation is also part of the monies collected via CIL. Developer contributions will instead be sought through a s106 agreement.
32. Contributions which are being sought on this site and that will be discussed further on in the report include; Heathland Infrastructure Projects, Strategic Management and Monitoring for Heathland, education, surveillance cameras and transport/highway improvements.

## **RELEVANT PLANNING APPLICATIONS**

33. 8/18/3264 – Demolition within Conservation Area

## **REPRESENTATIONS**

34. In addition to letters to neighbouring properties, a site notice was posted outside the site on 03 December 2018 with an expiry date for consultation of 24 December 2019 and an additional site notice erected on 24 January 2019 and with an expiry date of 27 February 2019. A press advert was publicised on 29 January 2019.
35. Following revisions to the proposals, a re-consultation process took place in October and November 2019 for local residents and consultees. Following receipt of some amended plans and updated supporting documents including a Biodiversity Mitigation and Enhancement Plan and Accommodation schedules a further re –consultation took place for 21 days on 18 September 2020.
36. In total, after 3 rounds of consultation, 134 letters of objection have been received, 3 petitions with a total of 900 signatures (objecting to loss of Pit Site car park and impact on local businesses), 16 letters of comment and 144 letters of support. Some residents have written in more than once on the application.
37. The following are the main objections and comments to the proposal in summary;
  - Congestion of local highway network
  - Loss of public car parking spaces
  - Insufficient permit holder spaces and long term parking

- Need more parking to support retailers, hotels, restaurants and other commercial enterprises
- Inadequate parking on the site for future residents
- Implications for road safety around the development
- Displacement of parking to residential roads
- Businesses will suffer from staff being unable to park
- Island and pedestrian crossing on Barrack Road result in further congestion and bottlenecks.
- Increased noise and air pollution
- More street light pollution
- Loss of privacy and overlooking
- Loss of outlook for neighbouring dwellings
- Local schools oversubscribed
- Local surgeries/dentists oversubscribed
- No requirement for further retail space
- Lack of green space
- Lack of open space
- Lack of public space
- Overdevelopment and exceeds allocated site in Local Plan
- No up to date Masterplan for site
- No biodiversity net gain
- Loss of 'green lung' to rear of Twynham Avenue and loss of wildlife
- Loss of trees and impact on root protection areas of remaining trees
- Loss of hedgerow
- Buildings too high
- Destroy character of town
- Contaminated land
- Archaeological impacts
- Design not high quality and does not respect surroundings in terms of bulk, scale and height.
- Types of properties not appropriate
- Impact on environment and implications for climate change

- Does not preserve or enhance character of the Conservation Area
- Loss of public house on Barrack Road within the Conservation Area
- Increased flood risk and drainage issues
- Shared ownership not affordable
- Lost opportunity for public or community use on the site
- Wildlife corridor result in antisocial behaviour and tipping
- Requirement for more age restricted properties?
- No pull in for bus stop
- Decisions being made without local community involved
- Amendments not address issues raised by local people
- Housing will create ghetto
- Impact on ecology and diversity not been addressed
- Minimum living standards not been addressed
- Championing of cycling had unintended consequence of making it more dangerous for pedestrians.
- No mention of stag beetles in BMEP
- Previous Committee decision flawed

### 38. Support

- Create homes close to railway station and on major bus routes
- Impressive scheme and visually enhance area
- Well thought out scheme
- Loss of parking provided in other car parks
- Needed in 'gateway' to the town
- Current site is a health hazard
- Provide much needed housing
- Proposed development unlikely generate more traffic than previous uses
- Provision of affordable housing
- Quality housing and urban design to a tired and underused area
- Site currently is an eye sore, needs regenerating
- Tidy overgrown brownfield site
- Provide employment

- Science museum would be a great asset to town
- Housing for elderly close to amenities
- Well positioned near the High Street
- Community more important than car park provision

**CONSULTATIONS (summary – please see separate document for fuller responses)**

**Historic England (HE)**

39. 'On the basis of the information available to date, HE do not wish to offer any comments'.

**Environment Agency (EA) (07/10/20)**

40. 'The EA confirm, as per letter dated 14 January 2020, that they have no objection to the proposed development providing that that the finished floor levels will be set at or above 3.6mAOD, and the recommended informatives'.

**South West Water (SWW)**

**Asset Protection**

41. 'SWW advise that no development will be permitted within 3 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant.

**Clean Potable Water**

42. South West Water is able to provide clean potable water services from the existing public water main for the above proposal'.

**Natural England (NE)**

43. Initially objected on 1/04/2019 on grounds of

- Lack of information regarding the proposed Heathland Infrastructure Projects
- Welcomed submission of BMEP but not approved by Natural Environment Team at (former) Dorset County Council.

44. Natural England withdrew their objection in 2019; however, they commented on the lack of a Certificate of Approval from NET for the BMEP.

45. They also made the following comments; 'Natural England have been working with the Council and applicant to develop appropriate mitigation in the form of Heathland Infrastructure Projects (HIPs), these have been identified in the submitted Heathland Infrastructure Project Scheme document (dated 22 July 2019). This document has been informed by advice from Natural England and BCP Council as the landowner and organisation responsible for the delivery of the HIPs. The BCP Landscape and Countryside Team Leader Mr Ottaway,

should be consulted on the mitigation proposals with any changes incorporated to reflect his comments.

46. Natural England advise that there is sufficient capacity within the identified HIPs sites for the proposed development and that they are located in areas where they will intercept new residents as well as a greater proportion of existing residents. The HIPs measures, including capital works and ongoing maintenance to achieve the objectives set out in the HIP Scheme document are required to mitigate for the impacts and should be secured by your authority prior to completion of the Habitats Regulations Assessment. It is expected that HIP provision should be delivered in advance of occupation of dwellings, as early as is reasonably possible, to ensure that enhancements are as established and that there is no likely adverse effect on the Dorset Heaths.
47. In addition, Natural England understands that the authority will secure a contribution for Strategic Access Management and Monitoring (SAMM) through a suitable legally binding agreement with the applicant, this requirement has been identified by the applicant in section 7.0.
48. Providing that the measures within the HIPs Scheme document submitted are fully secured within a section 106 agreement between the applicant and the authority which ensures the Council will deliver the agreed mitigation prior to first occupation and that the appropriate level of SAMM payments are secured, Natural England advise that the applicant will have demonstrated to the authority that it has mitigated the effects arising from the development on the Dorset Heaths.
49. In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation, e.g. as set out in the Dorset Heathlands Planning Framework (2015 – 2020) SPD, cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise your authority to seek legal opinion of the requirement to undertake an Appropriate Assessment of the application under Reg 63.

#### **Millhams North**

50. Natural England advise that the proposals for the enhancement of public access to the Millhams North as complementary to its designation as Common Land by enabling better access for the local people of Christchurch to the Common Land at Millhams North. There is no doubt that this is a high quality area of countryside which is little used by local people. No changes are proposed which would restrict access to the commoners to access and graze the land in line with their rights. Natural England is also aware of the natural function of the land as part of the River Avon floodplain, particularly affecting the site in winter. We do not consider that this would act as a barrier to its effectiveness as a HIP'.

## **Natural England comments received 19 October 2020**

51. Natural England are fully aware that BCP Council is not signed up to the Dorset Biodiversity Protocol and BCP have a Biodiversity Project Officer who has assessed the BMEP. Their latest comments are based on this position.

52. Natural England have stated; 'No objection - The authority has received an updated Biodiversity Mitigation and enhancement plan (Aug 2020).

Biodiversity Enhancement - It is a requirement of all development to enhance the natural environment, as stated in the NPPF (2018 as amended), paragraphs 8, 170 and 175. Without enhancement, the development would not be complying with National Policy (NPPF 2018 as amended). Natural England advise that the document:

- Biodiversity Mitigation & Enhancement Plan (BMEP) 28 Aug 2020

Provides evidence of mitigation of identified impacts as well as suitable biodiversity enhancement proposals. Natural England advise that if these measures are secured through a planning condition the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(5) of The Conservation of Habitats & Species Regulations 2010.

In respect of other matters relating to the mitigation of European protected sites Natural England have previously advised that the mitigation measures, if secured by the authority would be adequate to demonstrate no adverse effect on the integrity of the designated sites'.

## **Dorset Wildlife Trust (DWT)**

53. DWT in their initial response from January 2019 raised a number of concerns including;

- No Certificate of Approval from NET for the BMEP
- Stag beetle survey required
- Demolition of structures already taken place
- Buffer around trees or clearance carried out outside bird breeding season
- Wildlife corridor not adequate to compensate for overall biodiversity loss and no information on its future management and maintenance.
- Proposal should provide a SANG

## **DWT comments received 23 December 2019**

54. DWT stated; 'We note that an updated Ecological Assessment and Mitigation, Compensation and Enhancement Strategy has been submitted, as well as an updated Biodiversity Mitigation and Enhancement Plan (BMEP). However, the accompanying BMEP guidance states under Section A, Paragraph 7.2 that BMEPs should not be used or made publicly available to view unless they are

accompanied by a Certificate of Approval provided by the Natural Environment Team (NET) at Dorset Council.

The NET are listed as a consultee but have not yet provided a response. It is vital that this independent scrutiny of the BMEP is undertaken, to ensure adequate mitigation, compensation and net gains for biodiversity is secured. We therefore urge the council to require the developers to send the BMEP to NET with the appropriate fee. We also recommend that permission is not granted until a Certificate of Approval is provided for any submitted BMEP, and its implementation secured through a planning condition.

Although reference is made to trees providing suitable opportunities for nesting birds and roosting bats within the Ecological Assessment, only a safeguarding strategy for roosting bats is outlined in the BMEP. Furthermore, although the bat surveys did not identify roosting bats within the buildings, the Ecological Assessment outlines a suitable safeguarding strategy for demolition works, which again has not been captured within the BMEP. We would therefore like to ensure safeguarding is clearly in place for nesting birds in trees to be felled, as well as for roosting bats in the buildings to be demolished. The Ecological Assessment states that gardens "...will allow usage of the site [by foraging bats] to continue in the future". However, gardens as a foraging resource cannot be relied upon as adequate compensation for the loss of habitat and thus cannot be secured; many people do not have natural greenspace within their gardens, choosing to have gardens requiring little maintenance.

Reference is made to a sensitive lighting scheme in both the Ecological Assessment and the BMEP. The former however includes detail which has not been included within the latter. We therefore suggest that the details of a sensitive lighting scheme is secured through a planning condition. The revised Landscape Plan (dated 30th October 2019) includes planting of *Rosa rugosa*, and invasive non-native plant species listed under Schedule 9; Part II of the *Wildlife & Countryside Act 1981 (& as amended)*. We would therefore want to see this species removed from the proposed planting list'.

#### **DWT comments received 20 October 2020**

55. 'The revised Landscape Plan (dated 5<sup>th</sup> Feb 2020) illustrates the proposed wildlife area as referenced by the submitted BMEP under sub-section 4.3.1. DWT note the wildlife area has been extended along the north-western boundary as per our previous comment. However, no indication of the width of this area is provided in either document, only that the area measures 696m<sup>2</sup> in size (or c ha) in the submitted BMEP. Using the scale provided on the Landscape Plan, it appears that the wildlife area is 10m wide in places but appears much narrower for the most part of its length. DWT therefore seeks clarification on the proposed width of the wildlife area and justification provided on the reasons the area is not at least 10m wide along its full length as recommended.



Furthermore, no indication has been provided regarding the ongoing maintenance of the wildlife area, only that 'The Wildlife Area sits entirely outside of private ownership and will be managed with all other areas of Open Space on site, thereby ensuring its continued presence and quality'. DWT recommend that a detailed management plan is produced outlining the proposed management prescriptions for habitat features within the wildlife area, to ensure these are appropriately maintained for the benefit of biodiversity as suggested by the submitted BMEP.

DWT note that the revised Landscape Plan still includes planting of *Rosa rugosa* and therefore again recommend this species is removed from the proposed planting list.

DWT welcome the mitigation strategy outlined in sub-section 4.2.5 of the submitted BMEP in respect of stag beetles. DWT note the proposal to perform stag beetle walkover surveys prior to vegetation clearance and during construction to safeguard against the killing of any adults or larvae on-site, as recommended in our previous response.

DWT recommend the implementation of the mitigation, compensation and enhancement measures outlined under Section 4.0 of the submitted BMEP are secured through a planning condition'.

#### **BCP Biodiversity Project Officer**

56. The following comments were received on 5 October 2020: 'The details laid out in section 4.0 Mitigation, Compensation and Enhancements and map in Appendix 1 are fine and should be secured by condition for all to be delivered'.

#### **Dorset Council Archaeologist**

57. 'The application is accompanied a document produced by Bournemouth Archaeology that is entitled 'Former Christchurch Magistrates and Police Station Development Site, Bargates, Christchurch - Archaeological Evaluation, Written Scheme of Investigation' (document ref: BUARC/2018/0210.1). This document explains the archaeological background to the site and its environs, including the description of two previous archaeological evaluations on the site, both of which identified archaeological remains.

The document then proposes further archaeological work as mitigation for the proposed development's impact on those remains. In my opinion, what is described here is appropriate, and this work should be secured by condition if consent is granted'.

#### **NHS Dorset (DCCG)**

'Principle of development and provision of affordable housing

58. The importance of living in good quality and affordable housing is associated with numerous positive health outcomes. Public Health Dorset support the

principle of providing high quality affordable homes, including homes suited to the needs of older people.

59. DCCG assume that, in accordance with Policy LN3 (Provision of affordable housing) of the Christchurch and East Dorset Local Plan Core Strategy, the affordable housing provided on site will be secured for people in housing need in perpetuity, and will be made available to those with a local connection to Christchurch to ensure that it contributes to meeting both the current and future housing needs of the local community.

60. The applicant notes in the Design & Access Statement that Policy LN1 is a relevant planning policy consideration. We assume that the proposals will comply with the requirements of Policy LN1 (The size and type of new dwellings) of the Christchurch and East Dorset Core Strategy which stipulates that all new housing will be built to meet minimum living space standards. Ensuring new housing provides adequate internal living space is an important component of housing quality which in itself is an important determinant of health.

#### Access to greenspace/public open space

61. Access to, and engagement with, the natural environment (including urban greenspace), is associated with numerous positive health outcomes. There is consistent evidence that having access to parks and playgrounds is associated with increased physical activity and reduced risk of obesity. DCCG support the proposed provision of an enhanced, 'light controlled' pedestrian crossing to enable occupants of the proposed development to access areas of greenspace to the south of the A35.

62. The proposed 1 bedroom flats in Block A do not appear to benefit from any shared outdoor space and the proposed development does not provide shared space for allotments/food growing. Across the proposed development overall there appears to be limited provision of green/public open space, barring a central area which appears to be accessible only from a central car parking area. Given the numerous benefits to physical and mental health associated with adequate access to publicly accessible greenspace (of a variety of types and scales) we would support measures to incorporate these features into the proposed development. Providing infrastructure (e.g. outdoor seating areas, shared growing space, and play equipment) has been shown to facilitate engagement with outdoor spaces and DCCG would encourage incorporation of these features into the proposed landscape plan, along with provision of shared outdoor space to serve the proposed flats in Block A.

#### Provision for walking and cycling

63. There is a wealth of evidence to show that investing in infrastructure to support walking and cycling can increase physical activity across all age groups. DCCG encourage the inclusion of the pedestrian link (omitted after pre-

application consultation) from the proposed development site to Twynham Avenue (which appears to benefit from existing parking restrictions to mitigate the risk of vehicle overcrowding). This would allow occupants of the proposed development to access a shorter walking route to Christchurch Station as well as providing a more direct route for pedestrians from the High Street to reach the same location via the development site. DCCG encourage the installation of appropriate signage and lighting to encourage pedestrian movement through the proposed development.

64. To ensure that the proposed development prioritises pedestrian movements within the site (as a means of enabling physical activity and securing the health and wellbeing benefits associated with it) DCCG encourage the inclusion of appropriate traffic calming and lighting measures to reduce vehicle speeds within the site and encourage walking/cycling. This seems particularly relevant for the road that will connect the A35 and B3073 on either side of the site where excess vehicle movements could impact on the health and wellbeing of residents through noise, air pollution and discouragement of pedestrian use.
65. DCCG welcome the measures proposed in the submitted Travel Plan to encourage sustainable travel choices. Suggest that this also makes reference to encouraging car club use which could further encourage sustainable travel choices by occupants of the proposed development.

#### Climate change

66. The impact of climate change poses risks for public health and DCCG would encourage the inclusion of measures to both mitigate and adapt to those impacts. The proposed development offers opportunities to do so through generation of renewable energy, rainwater harvesting and maximising provision of green infrastructure.

#### Social value

67. DCCG recognise the opportunity that development of the site could offer to support the local economy and providing local employment opportunities. If the proposal is approved we would encourage consideration of providing employment for local people during construction and/or apprenticeships or other routes to accessing employment. Employment is recognised as an important determinant of health and the development could provide an opportunity to influence this and/or support the local supply chain'.

#### **Further comments NHS Dorset (DCCG)**

68. 'Stour Surgery does not have capacity to register these patients in our current building. Is there funding to help us enlarge the surgery? If not what is the plan to accommodate these patients with a local GP?'

#### **Natural Environment Team - Dorset Council (NET)**

69. In December 2018 the Natural Environment Team commented that the BMEP had not been submitted to them for review and approval under the Dorset Biodiversity Protocol.

70. In February 2020 NET stated in their consultation response; "The revised plan for the ecological corridor is an improvement on the original proposal and the increased length and width of such is welcome. However, concern remains where the width of the corridor is reduced to 3m due to the lack of certainty of successful mitigation both to compensate for the loss of existing on-site habitat and its long-term ecological function. Smaller width areas are likely to be difficult to maintain and manage appropriately for wildlife. I note the comments by the ecological consultant highlighted by the agent, and whilst we appreciate that there are no existing direct links to adjacent green infrastructure or natural habitats, the area does provide an island /stepping stone in the urban landscape and as such is an important ecological feature. The green corridor is the only means, given the quantum of development, by which the loss of the existing habitat can be mitigated, which we are not entirely confident of and which means that the development will also fall short of realising a net gain for biodiversity. This may therefore, call into question full compliance with the mitigation hierarchy set out in the NPPF.

If however, the authority are minded to grant permission based upon the current proposals, the BMEP should be amended to show the improved corridor provision and should include an additional commitment to produce a detailed design and management regime of the corridor to be submitted to the authority for approval. The certified BMEP should then be made a condition of the permission'.

### **Christchurch Town Council**

71. 'Raise OBJECTION for the following reasons:

a. The proposed development results in a loss of public car parking capacity serving the town centre with no provision for replacement parking either on the proposed site location or within the vicinity and does not provide for any commuted infrastructure contributions in lieu of on or off-site provision contrary to saved Policy P5 of the Christchurch Borough Council Local Plan 2001;

b. The proposed development creates an unsympathetic relationship along the western boundary with Twynham Avenue residents. The proposed green strip along this boundary has been significantly reduced and given the proposed development along this boundary it shall result in an adverse relationship with the existing occupiers of Twynham Avenue contrary to saved policy H12 of the Christchurch Local Plan 2001 and HE2 of the Christchurch and East Dorset Local Plan -Part 1 Core Strategy'.

### **Dorset Council - Former Lead Local Flood Authority (LLFA)**

72. Revised comments received 7 February 2020 – ‘In the absence of information about Ground Water (GW) levels, the applicant has presented a backup strategy in the form of an attenuated discharge to Wessex Water (WW) SW Sewers. LLFA understand that GW monitoring is being commissioned for the site, if they are found to be favourable then infiltration at the site could proceed and detailed designs produced at Discharge of Conditions (DoC) / detailed design stage accordingly. However, in the event that GW levels are too high, a proposed attenuation system has been demonstrated as feasible.

In support of the revised, provisional drainage design the applicant has submitted a breakdown of impermeable areas post development and calculated brownfield discharge rates in a way that accords with the CIRIA SuDS manual. Attenuation volumes and indicative layouts have been provided to facilitate acceptable discharge rates that broadly accord with expected rates from the site and may offer some betterment beyond the current baseline scenario.

The applicant has demonstrated a viable drainage strategy and provided the necessary detail to substantiate this. We therefore have no objection to the application subject to the conditions and informatives at the end of this letter being included on any permission granted.

The applicant has still not presented a drainage system which offers any multifunctional benefit. The drainage systems proposed offers no amenity, no ecological and no water quality benefit. This does not accord with paragraph 165 of the National Planning Policy Framework and is particularly disappointing given the loss of some green areas within this site and the close proximity to Christchurch harbour.

We are content that the drainage system proposed will work, but do not consider that it accords with best practice or policy regarding SW management.

We note that future maintenance and ownership of the proposed infrastructure has not been addressed but are content for this to be dealt with by way of the condition(s) below. To ensure that the above elements are properly considered, and a detailed design provided, we recommend the following conditions be attached to any permission granted (Conditions #19 & #20 below)’.

**Conservation Officer for former Christchurch East Dorset Partnership (CO)**

73. ‘The area of Christchurch known as Bargates has a well-documented history that can be researched in various places that explain the development of a typical Saxon town as is Christchurch. Christchurch has a strong sense of place and this is displayed within the material and textures used in the construction of the vernacular architecture.

With the obvious exceptions such as the Priory, The Castle and the remains of the Constables House, high quality brickwork has been the precedence. It is unusual to encounter such an avoidance of freestone architectural detailing in a town that is within reach of limestone, sandstone and green sand building

material options. Classical architecture styles and themes that have carried across the Georgian period into the Victorian era and into the recent 20th century have maintained a continuity of local brickwork style in texture and bond.

Typically, buildings display a Flemish bond with burnt headers or decorated headers to present the de rigueur checkerboard brick pattern. Christchurch brickwork is a significant driver that should be at the forefront of any major development and the choices are vast. The dimensions, clay choice and firing temperature of the brick material are where control should be a focus.

Mortar joints and bedding mortar to be compatible with the low fired, soft clay bricks. The standard approach being to insist upon a lime based mortar. This detail also requires a specialist focus to ensure that the mortar is not uniform throughout and is chosen or selected to compliment the various brick colour and textures that the palette will comprise of.

If the design of the dwelling asks for stone sills or lintels, then these should be stone and not composite elements. Genuine or authentic compound brick arches or lintels to be insisted upon as a specification condition. The use of creasing tiles or plain tiles to add string courses or platt bands is suitable and calls for expertise within the craft of the bricklayer or mason. Rusticated or ashlar facing is not a usual handling of the façade of Christchurch. This is usually displayed in a better grade of brick and with detailing to the quoins. Either being proud of the façade or by being a slightly different shade of brick. The recent trend to paint brickwork within Christchurch should be avoided at all cost and the brickwork if beautiful, should remain and any further painting of nearby extant dwellings to be carefully controlled. Once painted, the character has diminished significantly.

There are a few properties within the existing building stock of Christchurch that are rendered. These are rendered over the brick and do have a gentle ashlar incised texture. If a rendered façade assists with the theme of ongoing development of the new estate, the render material and skill that is required to produce an indented ashlar is to be conditioned or controlled by sample panels prior to application. This can look awful and inappropriate if not managed.

Roof cover can be natural slate/Plain clay tiles or pan tiles. The selection and options are vast. Recently Spanish slates have proven themselves to be acceptable but great care to be taken in the selection to ensure minimum iron content and that they are true riven slates rather than sawn. Obviously avoid fake chimneys, grp (glass reinforced plastic) chimneys are an insult to any house and town planners need to steer designers away from these as an option. They do not age comparably with the genuine materials that they hope to emulate.

Cast iron rainwater goods, black-gunmetal. No plastic. External joinery including doors and windows-Good quality sustainable sources such as joinery grade Douglas fir. Painted. This to follow through on soffits, barge boards and timber fascia.

The concept buildings as proposed are well proportioned and offer a variety of styles and sizes that complement the historic development of Christchurch. A varied and interesting roof scape will positively enhance this area of the town.

In order to deliver this estate, sacrifices will be required. One being the older public house called the Goose and Timber. A commercial building that seems to have lost the sense of place that other buildings within the town have managed to retain. They have also maintained or retained their community which is not the case here.

A prime regeneration project with nearby amenity and with a mixed commercial/residential use. Within the adjacent conservation area stands a listed building. The clock chain factory. This building should be used as design lead to offer solutions to the symmetry issues that do occur within some of the concept designs.

### Summary

Bricks to be taken from a palette of reds through to buff. Including snapped or burnt headers. To be low fired soft clay. Mortar to be taken from a palette of colour and texture that compliments the soft clay bricks. To be a true lime mortar comprising of sharp sand/stone dusts and either hydraulic lime or putty lime. Sharp sand/stone dust 2.5 :1 part hydraulic lime, No cement or additives. Sharp sand/stone dust 3: 1part putty lime.

The above are industry standard mortar proportions and should not be ignored. The use of pigments within any mortar has a very short life as the pigment being water soluble will leave the set mortar and bring about a colour change that will be incompatible with the building elements. An exemplar panel of the built brickwork to be installed prior to specifications being set is a usual way of controlling the quality. This set of dwarf walls to be on site and maintained throughout the build phase and only removed once all brickwork is signed off. This helps broadcast the intention and the focus of the council to ensure that this is a quality regeneration project within the heart of Christchurch.

Supportive of the scheme'.

### **BCP Trees and Landscape**

74. The Tree Officer who initially considered the proposal raised the following concerns in December 2018;

- Significance of tree cover has not been set out
- No attempt has been made to identify the actual RPA's
- All significant trees shown for retention have some form of development within the minimum radial RPA as shown and this requires detailed on-site assessment and interpretation of the data.

- Proposals would lead to the loss and damage to trees

75. BCP Tree and Landscape Officer made the following additional comments on 18 December 2019; 'The tree concerns raised by the previous Tree and Landscape officer in their comments dated 10/12/18 and during the meeting held in March 2019 appear to remain. The placing of dwellings and/or parking just outside the root protection areas of the retained TPO trees on site appears unchanged in the updated arboricultural assessment and method statement, ref: 17301-AA6-PB, dated 15/11/19. Therefore, harmonious relationships will not be created with the following trees, Norway (T11), Cherry (T50), Sycamore (T51), Sycamore (T21) and Yew (T25). The tree numbering is per the tree report. To date the Council has received no evidence as to why the protected Norway Maple (T10) needed to be removed. While the proposed planting of a new tree is welcomed, appropriate tree species suitable for the site are still to be confirmed, again as discussed in the March meeting'.

### **BCP Environmental Health (EH)**

#### Contaminated Land

76. 'There is believed to be some former historic contaminative uses on site, but the site is not classed as contaminated. However our standard contaminated land condition should be applied'.

#### Noise

77. 'The development should be conditioned in line with the noise report. The development must be built to the specifications set out in the Noise Impact assessment - Technical Report: R7574-1 Rev 0. This report demonstrates that with some mitigation, including acoustically rated glazing and ventilation, in the habitable rooms of the residential dwellings (as shown in Glazing Zones Plan), would comply with maximum internal levels of 35 dB LAeq during the daytime, 30 dB LAeq at night, and 45 dB L<sub>Amax,f</sub> at night for regular events.

The plans show some commercial units and flats that might have external plant associated with it. The noise from any plant in the development must be controlled to 5 dBA below the typical background level when measured at the façade of any noise sensitive property. The proposed retail units have residential above them. Therefore deliveries and waste collection from the retail units should be limited by condition so that they do not occur between 19:00h and 07:00h'.

#### Construction and demolition

78. 'A construction method statement needs to be submitted and agreed by the LPA before construction commences. It needs to detail how nuisances (noise, odour, dust, smoke) will be avoided. A demolition method statement needs to be submitted and agreed by the LPA before demolition commences'.

#### CCTV



79. 'Currently BCP have a camera sited in Pitside Car Park. It is an important camera for providing unique coverage of specific locations that are relevant to our aims and objectives and its loss will adversely affect our operations. Due to the height of the development the field of view of this camera will be obscured. To replace these lost views the existing camera will need to be relocated, and two additional cameras will need to be installed. The Environmental Health Department require a one-off contribution towards the cost of relocation of the camera and additional installation of 2 additional cameras, estimated at £25,000'.

### **BCP Planning Policy (PP)**

Housing Provision:

80. 'A total of 170 dwellings are appropriate in this town centre location which will make an important contribution towards the Core Strategy housing requirement set out in Policy KS4. This is also consistent with Policy CH1 of the adopted Core Strategy which seeks to accommodate high density residential development alongside the projected requirement for retail floorspace'.

SHMA Mix:

81. 'In measuring the mix for open market housing against the 2015 SHMA there is an over provision of 1 bed properties and an under provision of 3 bed properties. However, in this town centre location, where higher density development is appropriate, a higher number of 2- and 1-bed properties may be appropriate. The same imbalance exists with an over provision of 1 bed affordable properties and under provision of affordable 3 beds. Is there any potential for this mix to be revisited to establish a better balance of housing provision?

The submitted application proposes 31% affordable housing which takes into account the vacant building credit as set out in the NPPF. In this instance it has been agreed that a vacant building credit applies and a calculation has been submitted as part of the application'.

Flood risk:

82. 'The FRA now identifies that the south east corner of the site is located within Flood zone 3 and flood zone 2 when climate change is taken into account to 2126. Development located within this part of the site includes residential and commercial so the 2126 scenario should be applied.

The Magistrates Court Site is identified as a strategic site in Policy CH1 of the adopted Core Strategy (2014) and as pivotal in delivery of the town centre vision. On this basis it is not necessary to undertake a sequential approach to consider alternative sites. However, there is not a detailed allocation in the adopted Core Strategy and the BCP Local Plan is at an early stage of preparation. Therefore, it

is necessary to undertake a sequential approach within the site to locate development outside flood risk affected areas in accordance with the NPPF.

The 2019 SFRA identifies the south east corner of the site including the Pit Site car park within flood zone 3a (2133). Additionally, the edge of the Police Station site adjacent to Barrack Road is affected by flood zone 3'.

Heathland Mitigation:

83. 'The adopted Core Strategy (2014) Policy ME2 requires that development between 400m and 5km provide mitigation to avoid adverse impacts on the heathland. For residential development of 40 or over the Core Strategy sets out a requirement to provide Suitable Alternative Natural Green Space. However, through the adopted Heathlands SPD there is flexibility on town centre sites to deliver an appropriate package of heathland infrastructure projects subject to agreement with the council and in consultation with Natural England.

Eco Support Ltd has prepared a heathland mitigation strategy and management plan document on behalf of Aster Homes dated July 2019. The following HIPs projects are proposed:

- 1) **Millhams Common** (3.5ha) (located 300m from the development site)
  - Phased delivery with 169<sup>th</sup> dwelling
- 2) **Bernards Mead** (6.52ha) (located 1.4km from the development site)
  - Phased delivery prior to first occupation.
- 3) **Land off the Merdians** (3ha) (located 670m from the development site)
  - Phased delivery with 85<sup>th</sup> dwelling.

The management plan sets out a programme for the management and maintenance of these HIPs projects in perpetuity. The costs for the delivery and management and maintenance of the HIPs schemes are the responsibility of the developer and will be secured through legal agreement. BCP will maintain land ownership of the HIPs and undertake management and maintenance. This package of HIPs projects has been developed with the applicant, BCP and Natural England and subject to Natural England's final confirmation I consider it to be an appropriate package of mitigation for this scheme'.

Open Space Provision:

84. 'Policy HE4 of the adopted Core Strategy sets out requirements for on-site open space. As part of the submitted scheme there is no identifiable open space to address Local Plan requirements. If the approach is to utilise or enhance off site provision in this town centre location then this needs to be made clear'.

Retail Provision:

85. 'The Magistrates Courts Site is located within the Christchurch Town Centre Primary Shopping Area. As such the site is located, 'in centre' for retail purposes and is highly appropriate to accommodate new retail development. In order to deliver the Christchurch Town Centre Vision in the region of 7,500 sqm of comparison and 2,300sqm of convenience floorspace is required in the town centre by 2028. The town centre has limited opportunities to accommodate this floorspace and the Magistrates Court Site is a key site to deliver a significant part of this requirement as part of a mixed use scheme. The 'Magistrates Court Site' is identified as a 'Strategic site' in Policy CN1 'Christchurch Town Centre Vision' and is to perform a key role in delivering retail requirements for the town centre. The Council is also now progressing a Local Plan Review and undertook Issues and Options consultation in the summer of 2018. As part of a mixed used scheme with residential, it is currently proposed that the Magistrates Court Site is allocated for 1,250sqm of A1-A5 floorspace. The emerging BCP Local Plan now superseded the Christchurch Local Plan Review and this site will be considered further through the BCP Local Plan process.

The submitted application proposes only 612sqm of commercial floorspace for flexible commercial/community space (A1, A2, A3, A4, B1, D1 (Museum only) use classes). In accordance with the Core Strategy and emerging Local Plan evidence base the A1 – A3 uses are welcomed as they will deliver additional retail floorspace. It is also acknowledged that the B1 and D1 uses will also enhance the town centre as a whole. It is also acknowledged that recent changes in retailing have led to some uncertainty over the future direction of growth in the high street. Nonetheless, the level of provision is significantly below the 1,250 sqm of A1 – A5 which was agreed previously. The result of this low level provision will mean that it will be more difficult to find opportunities in the Town Centre to deliver retail / food and beverage floorspace requirements for the town centre as identified in Policy CH1 and KS8 of the Core Strategy.

In this regard Paragraph 85 of the NPPF sets out a requirement to,

*'Allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability.....'*

It is disappointing that the application includes no retail assessment or in-depth assessment of the likely occupiers that could be attracted to the site and town centre. Therefore, there is no robust justification for the level of retail provision currently being proposed. Comments about retail provision are extremely light and refer to a concern of Bargates businesses that there may be an adverse risk of trade draw from existing businesses. Additional retail development in this location presents an opportunity to create better pedestrian linkages between the

High Street and Bargates and improved footfall which I would anticipate having a positive impact on existing retailers in the town’.

CIL / S106 use / vacant building credit:

86. ‘In accordance with the adopted CIL Charging Schedule infrastructure and 123 list requirements should be through S106 and the development should be zero rated for CIL’.

### **BCP Education Team**

87. ‘BCP Council has a statutory duty to secure sufficient and suitable school places for Bournemouth, Christchurch and Poole resident children of statutory school age. One of the most important but also challenging roles for BCP Council is to ensure that there are enough school places in the correct area for parents to access them.

To enable the Council to consider and plan for the impact of new housing development, a modelling tool is used by BCP Council to forecast the number of children that are likely to be generated from housing developments across the conurbation. The model has been applied to the submitted scheme. The development is comprised of market homes, social / affordable / intermediate rented homes and affordable ownership homes. For modelling purposes these have simply been categorised as market homes and affordable homes, as the following table shows. Taking into account the phasing of the site all homes are considered as being delivered for the start of the 2022/23 academic year (September 2022).

The following figures are used to calculate the anticipated number of children to be generated from each housing type. These figures are the averages taken from the two most recent new build surveys conducted in Poole. No such surveys have been conducted in Christchurch and Bournemouth so the Poole surveys are used as an indicator to be applied across the BCP area. The surveys were completed by occupants of new homes built between 01/04/04 and 31/03/07 (findings published 2007), and 01/04/13 and 31/03/16 (findings published 2016). The outcomes of the two surveys were combined and then averaged out in order to provide a larger sample size.

<b>Type of Home</b>	<b>Children per Market Home</b>	<b>Children per Affordable Home</b>
1 Bed Flat	0.00	0.00
2 Bed Flat	0.12	0.70
3 Bed Flat	0.12	2.33
4 Bed Flat	0.12	2.33
1 Bed House	0.00	0.00
2 Bed House	0.10	0.75
3 Bed House	0.50	1.93

Modelling anticipates that **39 children** will be generated by the proposed 131 new homes’.

### **Phasing of development**

88. ‘The 39 children anticipated to be generated from the development, when apportioned accordingly across the age spectrum using the latest mid-year population estimates as published by government, equates to 2 children per year of age (with a further year having 3 children). This single year with one additional child distorts the projections somewhat so it is reasonable to assume that the development will generate 2 children per year of age across the full 0 – 18 age spectrum.

The total numbers of places anticipated to be generated from the proposed development of 131 new homes are as follows:

- 10 x Early Years places
- 14 x Primary places
- 10 x Secondary places
- 4 x Post-16 places

The pupil place planning function must also plan for pupils who have Special Educational Needs or Disabilities (SEND). Using the January 2019 BCP School Census as a basis, 15% of children in BCP have SEND. Of this 15%, 9.4% attend specialist schools. When applying these percentages to the number of primary and secondary school children generated by the proposed development, no specialist places are anticipated to be required. Specialist Education places are all-through places (i.e. one place covers primary and secondary)’.

### **‘View of BCP Council Pupil Place Planning function on the impact of a development of 131 new homes on school place planning**

Compulsory school age year groups – the current context

89. The closest BCP Primary phase schools to the site (measured by safe walking route) are Christchurch Infant School, Christchurch Junior School and Twynham Primary School. All three schools are generally popular and oversubscribed.

Nationally, demand for Secondary places is increasing. Across BCP Council as a whole, additional Secondary places are forecast to be needed for 2022/23 and 2023/24; there are also shortfalls in some BCP School Place Planning Areas in 2021/22 and 2024/25. The Christchurch Planning Area is forecast to have a shortfall in Secondary places over a five year period from 2020/21 to 2024/25. The closest Secondary school to the site (measured by safe walking route) is Twynham School; this school is popular and oversubscribed. Housing development during the phase indicated for the proposed development will mean

that further new Secondary phase school places would be needed in addition to the extra capacity needed to meet increased demand from the current population. Mitigation will be required for the places needed as a result of the proposed development.

#### Early years provision – the current context

90. Prior to the formation of BCP Council in April 2019, Dorset County Council (DCC) provided the pupil place planning responses in relation to major developments in Christchurch. The original pupil place planning assessment carried out by DCC sought education contributions for the primary, secondary and post-16 phases. No early years funding was sought. In order to ensure some continuity from the original pupil place planning assessment carried out by DCC, early years funding shall not be sought through a S.106 agreement in relation to this proposed development’.

#### Mitigation

91. ‘School places are categorised as site-specific infrastructure to be funded through S.106 Obligations. Therefore, BCP Council will expect the developer to mitigate the full costs of all additional pupil places required as a result of the proposed development, or by any variation to it, through S.106. Again in order to maintain some continuity from the original assessment made by DCC, the costings used by DCC have been applied to the contribution calculations. The required contribution breakdown is highlighted below:

<b>Phase</b>	<b>Number of Places</b>	<b>Cost per Place</b>	<b>Total Cost</b>
Primary	14	£9,937.50	£139,125.00
Secondary	10	£22,525.00	£225,250.00
Post-16	4	£22,427.00	£89,708.00
<b>Total</b>		<b>£454,083.00</b>	

Any changes or further information regarding the housing mix of the proposed development will need to be reassessed and these results could change significantly’.

#### **BCP Highways (HA)**

92. Previous detailed comment made in June 2019 focused on the following issues;

- Layout car dominated and more needed to be done to promote walking and cycling. Use of shared surfaces. Require a shared cycle/footway around Barrack Road linking to Bargates.
- Vehicle route running through site from Barrack Road to Fairmile could be used as a short cut.
- Retirement flat vehicle entrance unnecessary

- Junction with Block A and commercial premises could cause conflicts – require barrier.
- High speeds on Barrack Road – require speed reduction measures.
- Bus stop should be provided
- Layout shows limited casual on street parking. Disabled parking needs to be increased.
- Rear servicing for premises on Bargates – ease congestion
- Loss of public parking –Magistrates car park has low demand but Pit Site Car Park has a higher demand. They are both long stay and do not encourage sustainable forms of transport. No objections to reduction in the long stay car parks.
- Overall increase in traffic flow on wider highway network would not be considered significant to warrant refusal.

### **93. Further consultation comments received 20/10/2019**

- Shared cycle/footway needs extending along entire Barrack Road frontage.
- Retirement flat entrance been retained. Needs to be left had turn only.
- Pedestrian environment should be the priority in layout of residential highway layouts. The central street materials should be changed.
- Concerns of high turnover of parking for commercial premises – condition to restrict A1 food retail use.

### **Comments received 22/10/2020**

94. 'In traffic and highway layout terms the resubmission is similar to the previous submission and therefore the Highway Authority's previous comments still stand but they've been further summarised below, with some alterations/additions. The scheme amendments have no significant highways impact to those considered as part of the previous submission. It is assumed that the applicant's previous submitted Transport Assessment and highways technical notes are to be considered as relevant to this new submission.

The summary below contains details of proposed conditions and S106 clauses. The proposed conditions have been reworded from our previous comments to take account that the development may come forward in differing phases. It is therefore important to ensure that conditions reflect potential phased piecemeal development and that they secure delivery of appropriate highway details, highway infrastructure, parking and delivery of roads/footways to serve the development if it possibly progresses in phases. This phasing was not reflected in the Highway Authority's previously suggested conditions'.

### Highway Mitigation measures

95. 'If the same package of highway improvements and mitigation measures, both to encourage sustainable modes of transport and for highway safety reasons is now proposed then the Highway Authority can offer support to the proposal. The physical measures are shown on the drawing *Proposed Off Site Highway Improvements Drawing No. 15-167/012 Revision E dated June 18* produced by Odyssey and contained within the *Odyssey Technical Note – Response to BCP Highways* dated September 2019. The measures include:

1. New Toucan crossing across Barrack Road adjacent to the main residential road vehicle access. This crossing will provide a link with the existing recreation ground cycle/footway path opposite the site.
2. New double Pedestrian crossing across Barrack Road adjacent to the Fountain Roundabout
3. New Toucan crossing across Bargates adjacent to the Fountain Roundabout
4. New Bus stop and shelter, with Real Time Information, on Barrack Road
5. Widened footway to provide a shared cycle/footway along the Barrack Road/Fountain Roundabout frontage of the site.
6. 2 x Vehicle Activated Signs to be located on Barrack Road to encourage reduced vehicle speeds.
7. A vehicle proof barrier/feature in the centre of Barrack Road to prevent right turn into the rear car park area of the retail unit's car parks.
8. A Residential Travel Plan containing measures to encourage sustainable transport including a 3 month free bus or rail voucher per household.

The existing buildings and car parks on the site may generate some pedestrian movement but the proposal is likely to generate significantly more movements, including from unaccompanied children and older members of the community which places a further emphasise on the requirement for the above highway safety measures.

The physical highway works will need to be subject to a S278 agreement which should be referred to within a S106 agreement.

Grampian conditions should also be imposed which can also refer to phasing of the mitigation measures in accordance with the demands placed by various parts of the development as they are occupied.

For the Vehicle Activated Signs (VAS) we propose that a sum of £15,000 is secured through the S106 for the provision of these signs by the Council with appropriate clauses linking the VAS signs to be used on roads within this development location.

Any vehicle exiting the developments various accesses onto Barrack Road and wishing to turn right would have to cross 4 lanes of traffic which could cause



safety issues. Therefore all vehicles exiting onto Barrack Road should turn left only. Appropriate Traffic Regulation Orders, signage and road markings will be required to ensure that drivers turn left on exiting.

In addition to the above “No Right” turn works there are various others Traffic Regulation Orders (TRO’s) with legal fees, signage and road markings required as part of the proposal including TRO’s on all the roads within the site to cover no parking and the provision of a limited amount of on-street parking bays with time limited parking (to prevent commuter parking) and Beryl bike hire scheme bays. A contribution of £10,000 should be secured through a S106 for these TRO requirements’.

### Layout

96. ‘Roads within the site have been designed to encourage slow speeds. The Aspire Architects plan *Proposed Site Plan Boundary and Hard Landscaping Drawing No. ASP.16..014.002.5 Revision Dated 25/7/18* indicates a variety of materials to be used for the internal road surfacing and these will encourage slow speeds and make drivers aware of the change in road environment to one of residential with pedestrian priority. The final road surfacing construction will be agreed as part of the S38 road adoption process but the materials should follow a variety of materials as indicated on the aforementioned drawing.

The vehicle accesses off Barrack Road and Bargates should all take the form of continuous footway/cycleway across these accesses. At these accesses the development access carriageway should be at the same level and of the same material as the footway/cycleway which crosses it. This places an emphasis that pedestrians and cyclists have priority and would also slow vehicles, in addition to giving an indication to drivers that they are entering a residential and lower road category area than the main road. **The site plan does not indicate such access construction for the accesses and for the avoidance of doubt this plan should be amended to show the continuous footway/cycleway.** If revised plans are not forthcoming then a condition could be imposed i.e. *notwithstanding the approved plans of the construction and layout details of the first 6m of each vehicle access into the site shall be submitted and agreed.* This would also cover the area into the vehicle access to the commercial unit rear parking which would not be fully covered by road adoption construction approval.

It’s important to ensure the highways are constructed to the appropriate standards and also that appropriate highways are delivered for each phase of development should the development come forward in a piecemeal fashion. A condition is proposed to cover these matters.

A S106 clause will be needed to give over roads and footways for adoption as part of a S38 process, including the land forming the proposed widening of the footway around the site. We would not propose adoption of the car park and servicing area to the rear of the proposed commercial units but to aid pedestrian and cycle permeability permissive routes through this area should be secured via S016 legal agreement.

There is a cycle store proposed along the line of what would be a proposed permissive route link through this rear commercial servicing area to Bargates. This cycle store should be relocated although this could be dealt with by condition if revised plans are not forthcoming. A Parking and Servicing Management Plan condition is detailed below which also seeks details of cycle parking and this could cover this matter'.

### Parking

97. 'The site is close to the town centre and the new bus stop/shelter, widened footway/cycle and new formal crossings will aid links to sustainable modes of transport encouraging lower car use and car ownership. The commercial units are likely to attract shoppers/patrons already using existing town centre parks for links trips to other Town Centre commercial units and therefore no specific general parking for these units is required (see Use Class condition comment below), although **some disabled appropriate parking bays should be provided in the rear car park** as the nearest disabled parking opportunities are not close by for patrons/shoppers visiting these units. This could be conditioned if the plans are not amended at this time. These disabled bays should be time limited to prevent all day commuter parking. With the addition of some disabled parking bays to the rear of the commercial units the parking provision for the various uses within the site would be considered acceptable. A condition is proposed below to ensure a Parking and Servicing Management Plan is agreed which will also cover phasing of the parking delivery to ensure each phase of development is provided with the appropriate parking as it comes forward. This agreed management plan can also cover disabled parking provision, cycle parking provision and how the commercial units will be serviced by delivery type vehicles.

There is a risk that if an A1 Food Retail (convenience store type use) were to locate within the proposed commercial units then this could generate a specific high vehicle parking demand as a destination and a quick vehicle trip turnover at the Barrack Road vehicle access. With this type of use drivers may choose to enter the rear parking area to seek parking, despite there being no or limited parking for such a use, and then they may take short term parking risks in this rear area parking in unauthorised spaces or vehicle manoeuvring areas. This could cause highway safety and congestion issues. **We therefore seek that a condition is imposed to prevent a Food Retail/Convenience Store type use operating from these commercial units'.**

### Loss of Public Parking

98. 'Comments are broadly the same as those initially provided.

In anticipation of the loss of public parking when the site was to be brought forward for development the previous Local Highway Authority, Dorset County Council, undertook a review of and made amendments to public parking in Christchurch Town Centre. As a result an **additional 105 public parking spaces** were provided. The existing Council controlled "Pit Site" Public Pay Display car parking bays to be lost as a result of the proposal is circa 69 spaces (some bays are currently fenced off for safety reasons).

The "Bargates" car park is currently operated as a Public Pay and Display car park under a licence agreement with the owner of that car park. There is no obligation for the owner to continue that agreement and therefore that car park can be closed off to the public by the owner, regardless of whether this planning application receives consent or not. The fact that that car park can be closed to the public by the owner and the parking spaces removed from public use is a material consideration. This Bargates car park removal has not therefore been considered as loss of public parking which can be controlled. Again though, as referred above, 105 additional public parking spaces have been created in anticipation of the development of the whole site.

There are existing electronic Parking Signs on roads in the area associated with the Bargates and Pit Site public car parks. These signs will requiring removal/amendment to remove reference to these car parks otherwise drivers may be direct to the development site to seek public parking. Alteration/removal of these signs could be dealt with by planning condition'.

### Traffic Generation

99. 'There are 2 car parks on the site and other uses which could be brought back into operation. Vehicle trip generation from the proposal on the highway network would not therefore have a significant impact on the highway network compared with what could be existing and when the above package of mitigation measures to encourage sustainable transport modes and the sites location close to town centre amenities, which encourages fewer car trips/lower car ownership, are is also considered. There are also significant highway safety benefits to the wider public as a result of the safety mitigation measures being required to mitigate the impact of the proposal'.

### 100. **CONSTRAINTS ON THE SITE**

- Town Centre Strategic Sites
- Town Centre Boundary

- Conservation Area
- Listed Buildings
- Tree Preservation Order
- SFRA FZ3a 2126
- SFRA FZ2 2126
- Primary Shopping Frontage
- Primary Shopping Area
- SSSI Impact Risk Zone
- Highways Inspected Network
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Contaminated Land - Medium Risk

## **PLANNING ASSESSMENT**

100. The assessment of the proposal will need to cover and take account of the following key aspects;

- Site and surroundings
- Principle of Development
- Housing Delivery
- Effective use of land
- Housing Mix and Affordable Housing
- Age restricted sheltered accommodation
- Commercial uses
- Infrastructure and Planning Obligations
- Design and Layout
- Heritage Assets
- Archaeology
- Residential Amenity (including lighting and noise)
- Open space provision and recreation
- Access, parking and local transport network
- Flood Risk and surface water management
- Contaminated Land
- Biodiversity and ecological considerations (including trees and Heathland Mitigation)

## **Site and Surroundings**

101. The application site lies within the town centre of Christchurch and occupies a site of 2.17ha. The majority of the site has been formally occupied by the Magistrates Court, Police Station, Bargates Car Park and the former Goose and Timber pub. The north western section of the site comprises part of the rear gardens of 43 – 47 Barrack Road. This area is characterised by a number of trees and shrubs. There are two existing public car parks on the site, Pit Site car park and Bargates car park.
102. Ground levels are generally consistent within the site; however there is an increase of 3 metres from Barrack Road up to the northern part of the site. The site occupies a prominent position adjacent to the busy Fountain roundabout. This locality has a mixed character, including residential dwellings, commercial and retail units along Bargates which is the secondary shopping core, recreation space and New Zealand Gardens on the corner of Sopers Lane and Barrack Road.
103. The Conservation Area boundary dissects the site running around the perimeter of the Pit site car park and then along the Barrack Road frontage. It covers the gardens and recreation area opposite the site and part of Magdalen Lane and Riverdale Lane. The adopted Conservation Area Appraisal (para. 28 above) states; *'The Barrack Road entry route to the town forms one of the most important gateways to Christchurch, From this direction, the first glimpses of the Priory Tower are seen within the context of heavily mature tree lined gardens....The townscape is dominated by open sided views towards Fountain Roundabout. The height and over landscaped nature of this traffic interchange make it particularly prominent'*. The document goes on to say that the openness in the foreground of the Police Station and car park can be unnerving. It identifies that the Pit site car park significantly weakens the townscape and does not contribute positively to the character of this part of the conservation area.
104. To the east of the application site but outside of the Conservation Area are three Grade II listed buildings. The Former Fusee Watch and Clock Fusee Chain Factory which dates from 1845, No 22 Bargates and No 24 Bargates form a group of heritage assets. Opposite the site on the small traffic island at the junction with the Roundabout is the listed cattle trough and drinking fountain. Beyond this on the north east side of Bargates is Priory Sports, a Grade II listed building. On the southern side of Barrack Road is the Grade II listed Stour Cottage dating from 1830. This building is currently used as a youth and community centre.
105. As the Design and Access Statement states; *'The area is characterised by low and medium rise development with the prevailing building height of 2 -3 metres, with a number of buildings creating the equivalent of modern 4 storeys due to more substantial floor to ceiling heights'*. Bargates has a tight knit pattern of development with a mix of building styles but it has a coherent and

strong sense of enclosure along the street. Barrack Road, has a more spacious character but still a strong development pattern, especially along Twynham Avenue to the north east of the application site which is characterised by predominantly traditional detached residential two storey properties. There have been some larger buildings and blocks of flats developed towards the junction with Stour Road.

### **Principle of development**

106. Local Plan Policy KS2 sets out the settlement hierarchy for Christchurch (and East Dorset). Christchurch is identified as a 'main settlement' which will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. Local Plan Policy KS6 sets out the town centre hierarchy for Christchurch (and East Dorset). Christchurch is identified as a 'town centre'. The supporting text (Paragraph 4.27) confirms that Christchurch town centre is the main retail centre (in Christchurch) and will be the focus for future retail development.
107. Policy KS7 on the role of town centres advises these are to be the focal point of commercial, leisure and community activity. Their vitality and viability will be strongly supported. Town and District centre boundaries are identified in the area chapters of the Core Strategy, and these will be the focus for town centre uses, including employment, retail, leisure and entertainment, arts, culture, religion, health, tourism, places of assembly, community facilities and higher density housing.
108. Local Plan Policy CH1 outlines the Christchurch Town Centre Vision and sets out ten supporting criteria with the objective of achieving this vision. This includes the identification of five strategic sites including the Magistrates Court Site. Local Plan Policy CH2 sets out a defined Town Centre Boundary for Christchurch which covers the entire site and this will be the focus for town centre uses including retail, cultural and higher density residential development, inter alia. Local Plan Policy CH3 sets out a defined Primary Shopping Area and the Retail Frontages for Christchurch, where new retail development will be concentrated.
109. NPPF Paragraph 85 sets out that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation, and recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites.
110. The application site is located entirely within the settlement of Christchurch and Town Centre policy area. As such, the principle of development is established in line with Local Plan policies KS2, KS6 and CH1. A number of local representations set out that the proposals are not acceptable in principle because the Application Site extends beyond the

boundaries of the Magistrates Court Site as indicated in Local Plan Map 5.1 (p.48). The residual land within the Application Site is also entirely within the designated Christchurch Town Centre boundary and therefore, clearly, also benefits from the establishment of the principle of development under policy KS2.

111. Essentially, there is no policy requirement, given the town centre location, for the application site to be confined solely to the boundary of the Magistrates Court Site as indicated in Map 5.1. As will be seen, the larger site allows the more effective and efficient use of land within the town centre, delivers additional benefits in relation to affordable housing for example and avoids the potential sterilisation of land in a highly sustainable location within the town centre.

### **Housing Delivery**

112. Local Plan Policy KS4 (Housing Provision in Christchurch and East Dorset) sets out that approximately 8,500 new homes will be provided in the plan area between 2013 and 2028. This will comprise 5,000 homes within the existing urban areas and a further 3,465 provided as new neighbourhoods.
113. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals. Following the publication of the Housing Delivery Test in February 2019, the Council cannot currently demonstrate a five year land supply with a 20% buffer applied. In high level terms, the Housing Delivery Test compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement).
114. The '5 Year Housing Land Supply' document has been updated in 2020 and now only considers the housing supply in the former Christchurch Borough Council area of the adopted Core Strategy (2014). The document confirms that in the next five years of the plan period, the housing supply is 1,668 set against a target of 2,094. This results in a shortfall of 426 dwellings over the Core Strategy target which includes a 20% buffer and the previous shortfall of the Core Strategy target. This equates to a 5 year supply of **3.98 years**.
115. The CLG Housing Delivery Test also sets out that Bournemouth and Poole had 20% buffers applied. As such, the delivery of 170 additional dwellings through the development of a Local Plan Strategic Site would clearly assist BCP towards meeting its housing delivery requirements.
116. Given the lack of a 5 year housing land supply and Footnote 7 to paragraph 11, the 'titled balanced' is engaged. Given that part of the site lies

within the Conservation Area and an area of flood risk, footnote 6 of paragraph 11 is applicable;

For **decision-taking** this means:

*(c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [7](#), granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6](#); or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

117. Footnote 6 states; ‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in [paragraph 176](#)) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in [footnote 63 in chapter 16](#)); and areas at risk of flooding or coastal change.’

118. NPPF Section 11 is clear that planning should make effective use of land. Paragraph 117 sets out that planning decisions should promote an effective use of land in meeting the need for homes. Paragraph 122 sets out that planning decisions should support development that makes efficient use of land, taking into account the availability of land suitable for accommodating it.

### **Effective Use of Land**

119. A significant number of representations set out that the proposal represents over-development of the site and that the proposed built densities are not appropriate. However, Officers are firmly of the view that this is not in fact the case. Local Plan Policy LN2 sets out that on all sites, the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality. Proposals for high density developments will be acceptable in town centres, inter alia, where this form of development will not have an adverse impact on the character of the area.



120. The Local Plan identifies a series of Prime Transport Corridors in Policy KS9 of the Local Plan. This includes the A35 (Barrack Road) on the southern boundary of the site and the B3073 (Bargates) to the east. The site effectively sits at the junction of these two Prime Transport Corridors in the town centre. Objective 6 of the Local Plan is to reduce the need for our communities to travel, and to do so more easily by a range of travel choices. In this, development will be located in the most accessible locations, focused on prime transport corridors and town centres
121. Policy KS9 requires that development will be located along and at the end of the Prime Transport Corridors in the most accessible locations and supported by transport improvements that will benefit existing and future communities. Higher density development will be located in an around town centres and Prime Transport Corridors in order to reduce the need to travel. This is further emphasised in Policy LN2 which states that proposals for high density developments will be acceptable in town centres and along the Prime Transport Corridors where this form of development will not have an adverse impact on the character of the area and where residents have the best access to facilities, services and jobs.
122. The proposal is a mixed-use scheme on a Local Plan Strategic Site which will provide 169 new homes on mostly previously developed land that is currently partly derelict and having a negative impact on the townscape and character of the Conservation Area. Substantial weight should therefore be given by decision makers to this in line with NPPF Paragraph 118 criterion (c).
123. The proposal promotes the redevelopment of currently under-utilised land and buildings. This is illustrated by the currently vacant former civic buildings and the 'dead' open space surrounding them. The proposal therefore considered to be in line with NPPF Paragraph 118 criterion (d) which sets out that planning decisions should encourage multiple benefits from both urban and rural land including through mixed-use schemes.
124. The Magistrates Court Development Brief (2003) is clear that the built density of the site should be urban and not suburban. The proposed built density across the Application Site equates to 77.9 dwellings per hectare which is considered to be a suitable urban density for a town centre site and is supported by Policy KS9 & LN2. Essentially, it is considered that the scheme sets out a suitable built density which represents an efficient and optimal use of previously developed land in a town centre. Local Plan policy CH1 criterion 6 sets out that high density residential development will take place in the town centre.
125. NPPF Section 5 (Paragraph 59) sets out to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 63 sets out that to support the re-use of brownfield land, where

vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

126. Paragraph 123 sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It is strongly considered that the proposed layout, numbers of housing and density of this development is suitable for this town centre location and given the shortage of housing, optimal use of the application site is being secured and will make a valuable contribution to housing supply and delivery in Christchurch and the wider BCP area.

### **Housing Mix and Affordable Housing**

127. Local Plan Policy LN3 requires the provision of up to 40% affordable housing on previously developed land. Where a lower level of affordable housing is offered, this must be supported by clear and robust evidence that will be subject to verification. Objective 6 of the Core strategy allows for 35% affordable as an average across the plan area and para 4.17 of the CS states that: The need to provide affordable housing is a key objective of the Core Strategy and a target that 35% of all housing should be affordable is set. This is below the percentage requirements for affordable housing set in Policy LN3 as an acknowledgement that not all sites will be able to meet these requirements due to financial viability.
128. The overall provision of affordable housing is 53 dwellings which equates to 31%. In calculating the affordable housing for this development, there are a number of existing buildings on the site which need to be taken into account in applying the Vacant Building Credit (VBC). The floorspace of existing buildings within the application site the VBC equates to a 9% reduction from a clear site and hence 31% is considered to be a policy compliant overall level of affordable housing. The scheme is therefore considered to be compliant with local and national planning policy taking into account both the Local Plan target of 40% affordable housing and the VBC (NPPF Paragraph 63).
129. The proposed split between rented (social/affordable/intermediate) and affordable home ownership (shared ownership and help to buy), which equates to 45% and 55% respectively, is not in strict accordance with Local Plan Policy LN3 which seeks a 70% and 30% split weighted in favour of rented affordable housing. However, the Council's Strategic Housing and Private Sector Manager has confirmed the mix of housing is acceptable as well as the locations of the different tenures across the site.
130. The proposed Housing Mix for both Market and Affordable tenures is set out below:-

Unit Type	Market Housing (Nos. of Units; %)		Affordable Housing (Nos. of Units; %)		Total Site Numbers (Nos. of Units; %)	
	Nos.	%	Nos.	%	Nos.	%
1 bed flat	35	30.2%	31	58.5	66	38.8
2 bed flat	51	43.6%	10	18.9	61	35.9
2 bed house	6	6%	6	11.3	12	7.7
3 bed house	19	16.3%	6	11.3	25	14.7
4 bed house	3	4.3%	0	0	3	2.9
5 bed house	2		0	0	2	
Total	116	100%	53	100	169	100

131. The proposed Affordable Housing Mix is as follows:

Unit Type	Social, Affordable or Intermediate Rent (Nos. of Units; %)		Affordable Home Ownership (Nos. of Units; %)	
	Nos.	%	Nos.	%
1 bed flat	15	62.5	16	55.2
2 bed flat	4	16.7	6	20.7
2 bed house	2	8.3	4	13.8
3 bed house	3	12.5	3	10.3
Total	24	100	29	100

132. Local Plan Policy LN1 requires sites for housing to reflect local housing needs as identified in the Strategic Housing Market Assessment (SHMA), subject to site specific circumstances and the character of the local area. The Eastern Dorset SHMA (2015) (Tables 50 and 51, p.139) sets out that for market housing in Christchurch the estimated housing mix is circa 7% (1 bed), 43% (2 bed), 40% (3 bed) and 10% (4 bed).

133. For affordable housing in Christchurch the estimated housing mix is circa 46% (1 bed), 30% (2 bed), 21% (3 bed) and 2% (4 bed). The SHMA therefore sets a clear requirement in Christchurch for market housing to provide a predominant (80%+) mix of 2 and 3 bedroom dwellings, and for affordable housing to provide a predominant (75%+) mix of 1 and 2 bedroom dwellings.

134. The proposed market housing mix broadly accords with the SHMA in terms of providing 65% two and three-bedroom dwellings. The provision of 1 bedroom dwellings is in excess of the SHMA but given the application site's town centre location where higher density housing is sought in policy, a higher proportion is considered acceptable in this instance. The proposal sets out an acceptable provision of 4 bedroom market dwellings.

135. The proposed affordable housing mix is acceptable providing 89% smaller (1 and 2 bedroom) dwellings. Whilst this is slightly weighted towards smaller dwellings than the Eastern Dorset SHMA, and hence a slightly lower level of 3 and 4 bedroom dwellings, this is considered to be an acceptable mix when likewise taking the town centre location into account.
136. Policy LN1 also refers to new housing being built to minimum living standards and the Homes and Communities Agency Housing Quality Indicators in relation to private open space, unit sizes, unit layout and accessibility within the unit. These HQI's have been somewhat overtaken by the National Described Space Standards (NDSS) - March 2015. The National Planning Policy Guidance states; *'Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans.'* Currently the Local Plan has not adopted these Standards and the only reference in adopted policy is to the above HQI's.
137. The applicant has undertaken an assessment since the previous Committee in February 2020 of the unit sizes and private open space requirements of the HQI's and the submitted scheme. They have set out in Schedule M the area of each house and flat and looked at both the HQIs and NDSS. The evidence shows that all of the units meet the unit sizes for the HQI which is the standard in the adopted Policy LN1 and with exception of 5 units, they meet the National Space Standards as well.
138. The HQI's look at private open space and again the applicant has provided an assessment of scheme and the provision of private open space. The HQI document includes the following definitions;
139. Private open space – *open space accessible only to the resident. It includes garden, roof terraces, patios, yards and balconies.*
- Shared open space - accessible to a restricted group of residents. It includes communal or shared gardens or courtyards. Any unit located more than 10m from the shared space (as measured from the closest entrance door) should not be considered to share the open space.*
140. The assessment has concluded that all of the houses exceed the standard of private open space between 8m<sup>2</sup> and 20m<sup>2</sup>. 19 of the houses have between 21m<sup>2</sup> and 50m<sup>2</sup> of private open space and 23 of the houses have private open space between 51m<sup>2</sup> and 200m<sup>2</sup>. However, none of the flats or flats above garages (FOGS) have private open space. Within the development there are amenity areas for the occupiers of the flats and FOGS and whilst technically they do not count as 'shared open space' as the space is beyond 10 metres from the closest entrance door, the layout clearly shows the future occupiers will have access to suitable shared open space. Furthermore, the site is in close vicinity to public open space at New Zealand recreation ground, Druitt Gardens and Milhams Common and the proposal involves improved pedestrian links to these areas.

141. With regards to unit layout and accessibility, Policy LN1 does not refer to the relevant sections of the HQIs for these two factors. As set out in Indicator 6 – Unit Layout, checking the layout and usability is a detailed task and looks at whether specific furniture usually found within lounges, bedrooms and dining rooms and so on can be adequately accommodated. Examining the proposed floor plans of the residential flats and houses, these show that the residential units can accommodate adequate and appropriate furniture for occupiers and they provide layouts which are legible and useable. The HQI for Accessibility within the unit is assessed both at the site (external) and the unit (internal) level. Part M of the Building Regulations 2010 covers access to and use of buildings and new development will be subject to the criteria set out in this Approved Document. The Design and Access Statement refers to the use of continued flat surfaces across the site and a range of routes to ensure easy access on pavements and into buildings for all users including those with mobility impairments. In the broader sense, the site is considered to be in a highly accessible location and the highway proposals will allow for greater and safer pedestrian movement from the site to the town centre. The scheme is considered to provide acceptable living conditions for occupiers.

142. When originally introduced by the Government in 2007, the Homes and Communities Agency Housing Quality Indicators were an overall assessment of the quality of a scheme. Aspects of the HQIs are now rather dated – one of the locational amenities criteria is whether there is a public telephone nearby for example. Policy LN1 refers to just 4 of the HQI's it is noted that there is a range of other indicators within the HQIs and when taken together they provide an overall score for a development. There is therefore difficulty in using these indicators in isolation to assess if a development is acceptable.

143. Whilst there may be a technical shortfall in shared open space and unit layout, it is strongly considered by Officers that this scheme overall provides suitable accommodation living space standards for future occupiers within a sustainable town centre location. Therefore, even if there is a technical failure against Policy LN1, when considering the scheme against the development plan as a whole, the benefits of the development including the provision of housing, affordable housing and regeneration of a derelict site in the heart of the town significantly and demonstrably outweighs the a technical breach of the HQIs. It is the firm judgement of the Officers that a technical breach of policy LN1 does not mean that the proposal is not in accordance with the Development Plan as a whole.

#### **Age-restricted sheltered accommodation**

144. The proposal includes 39 market 1 and 2 bedroom sheltered apartments which will be age restricted (likely to be 55 years) and as outlined in paragraph 4, the retirement block R on the proposed plans would provide independent apartments along with a communal lounge, communal gardens, a guest suite and parking. This accommodation would be managed and operated by a retirement management company.

145. The pre-ambule to Local Plan Policy LN6 (Housing and Accommodation for Vulnerable People) states that to achieve sustainable and inclusive communities, larger scale development should make provision for older and vulnerable people. Schemes should create opportunities for older and vulnerable people to live securely, independently and inclusively within communities. The NPPG states that the location of housing is a key consideration for older people who may be considering whether to move and factors include the proximity of sites to good public transport, local amenities, health services and town centres.
146. This site is considered to be in a very good location for the proposed sheltered accommodation, with easy access to a wide range of facilities in the town centre as well as good public transport links. The Planning Statement submitted with the application covers the provision of the age restricted accommodation and highlights the findings of the Communities and Local Government Committee' report 'Housing for older people' 2018. Specialist housing can promote the health and well-being of older people; social isolation can lead to poor mental health and physical health; there should be wide range of housing to accommodate older people's needs and preferences.
147. The SHMA 2015 has identified that the total number of people aged 55 years and over is expected to increase by 30% over the period 2013-2033 and there is likely to be an increased requirement for specialist housing options moving forward. The documents suggests that specialist housing should be split 50:50 between the affordable and market sectors. It is appreciated that there is no specified affordable units within the sheltered accommodation; however given that affordable housing is being provided on the wider site and is policy compliant, this is not considered to be a constraint for the development.

### **Commercial uses**

148. The application site is positioned within the Town Centre Primary Shopping Area and as identified within the consultation response from the Policy team, the Christchurch Town Centre Vision seeks to deliver in the region of 7,500 sqm of comparison and 2,300 sqm of convenience floorspace in the town centre by 2028. The Magistrates Court site provides the opportunity to help accommodate this level of growth given the constraints within the town centre. The scheme proposes 612sqm of flexible commercial floorspace and there have been concerns raised that this is not sufficient given the Local Plan policies and evidence for the need for retail space in the town centre.
149. However, it is clearly recognised that there are empty premises within the town centre and with national changes in retailing, there are uncertainties surrounding the uptake and growth of retail in the town centre. The data and assumptions underpinning the proposed retail expansion in the Core Strategy dates back to 2012 and it is apparent that there have been significant changes

in town centre retailing since that time. The Development and Planning Brief does not specify an amount of retail/commercial floorspace but states that a maximum of 1000sqm of retail floorspace would be supported. There is no specific reference to D1 or museum uses in the Brief; however there is mention of community facilities and since 2005 when the Brief was published there have been changes in the pattern of retailing nationally. The document does state that the Council will welcome innovative and deliverable proposals for the future use of the site. In addition, as the more recent development plan document, the proposed D1 use is supported by Policy CH1 for example and this takes precedence.

150. The Local Plan Review refers to the provision of retail floorspace within A1, A2, A3, A4 and A5 use classes of 1250sqm for the Police/Magistrates site. However, this Local Plan Review is not being taken forward and therefore is given limited weight. The evidence underpinning this requirement is the Bournemouth, Christchurch and East Dorset Joint Retail and Leisure Study 2017. The report concludes that the existing vacant units in Christchurch Town Centre and Highcliffe District Centre could accommodate up to 1,600sqm and new sites would be identified to accommodate around 5,700sqm up to 2028. The Police site is one of 5 sites identified with potential for development to provide retail capacity.
151. Given the lack of five year housing land supply, there is less weight to be attached to policies KS8 and CH1, requiring a certain amount of A1 – A5 space within the Town Centre when balanced against the provision of housing in the town centre, which is considered to be a significant benefit, outweighing the shortfall of commercial floorspace proposed.
152. The proposed flexible space in terms of allowing a number of future commercial uses including A1, A2, A3, A4 and B1 and D1 are all compliant with the range of town centre uses listed in Policies KS7, CH1 and CH2. There is therefore policy support for all of the proposed uses. The proposed flexible permission will help to ensure the maximum flexibility so the non-residential space can adapt as different future users come forward and thereby offer greater opportunity for sustaining the economic and social benefits of this part of the scheme. It is considered that although it would have been preferable to secure a greater proportion of retail floorspace as part of the proposal, the scheme would still make a valuable contribution to enhancing the vitality and viability of the centre.
153. Since February 2020 and the ongoing national crisis we all find ourselves in, there are clearly changing market conditions for town centres and retail activities. However, planning decisions still need to be made in the context of the Development Plan and the NPPF (2019). There has been changes in the General Permitted Development Order and the Use Class Order from September 2020. The former Classes A1/2/3 & B1 now all fall within a new Class E enabling greater flexibility to change between these

commercial uses. Class D1 has also been changed and now Museums (D1) now fall within F1 (c) Learning and non-residential institutions covering a range of public and community uses. For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application however. Therefore, this application must be determined accordingly but consideration given to the fact that the proposed commercial uses will be interchangeable into the future. It is not considered appropriate to restrict the uses by condition as this is a town centre location, the proposed uses are policy-compliant for the town centre location and it gives a wide opportunity to deliver potential social and economic benefits by providing flexibility for future users and occupiers.

154. Currently there is strong interest from Discover Science Christchurch. This use which would fall within the D1 (museum) category (future Class F1) could provide Christchurch with an exciting opportunity for a cultural and scientific asset that will benefit not only residents of BCP of all ages but it is likely to draw visitors into the area from further afield. The plans currently show separate units and further planning permission would be required if changes to the floor area of the commercial premises would be needed in the future.

155. The proposed commercial spaces will create a positive, active frontage to the Fountain roundabout at a key gateway into the town centre and also create a much improved link between the High Street and Bargates. The proposed pedestrian crossings on Barrack Road which will be discussed in further detail later on in the report will ensure there is greater permeability between the High Street and this site and also creating an alternative and more attractive access to Bargates than the existing underpass which has the potential to have economic benefits to the businesses within this secondary shopping area.

156. It is considered that whilst the provision of commercial floorspace does not meet the aspirations of policy CH1, the current policies do not provide a specific figure of retail floorspace for the application site to provide. As outlined above the scheme will provide floorspace for uses acceptable in this town centre location and therefore is considered to be in accordance with the Development Plan as a whole. It is consistent with the recent changes the Government has made to the Use Classes Order to provide more flexibility and enhance the viability of town centres.

### **Infrastructure contributions/Planning Obligations**

157. The site is exempt from the CIL regime adopted by the preceding authority as the site is providing over 40 dwellings. The adopted CIL charging schedule states that; 'Residential on sites of 40 or more dwellings where on-site SANG is required are zero rated for CIL due to viability implications of SANG provision and a contribution towards SANG will be secured'. Consideration has been given to other forms of infrastructure and whether any contributions can be secured for education and health services through S106.



## **Health**

158. NHS Dorset Clinical Commissioning Group has sought a contribution of £13,600 towards a surgery or a number of surgeries in the catchment area of Christchurch. These representations constitute material considerations in principle. However, such contributions may only be required if they meet all legal/policy tests relevant to seeking such contributions.
159. In order for the Council to require the applicant to enter into a section 106 obligation to make such payments, the contributions must meet the requirements of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) which are also reflected in government policy in the NPPF at paragraph 56 and the NPPG.
160. Regulation 122 (2) provides that:
- A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
161. Having carefully reviewed the consultation responses provided by DCCG officers do not consider that the information provided demonstrates that the need for the contributions has been clearly justified or evidenced as being directly related to the development or fairly and reasonably related in scale and kind to the development. It cannot be concluded that it is necessary to make the development acceptable in planning terms at this time.
162. There is currently no established Local Plan policy or SPD for seeking these forms of contributions towards health infrastructure. They do not form part of the Regulation 123 List for CIL adopted by the preceding Council and the List notes that these are expected to be delivered by the Health Authority. Planning Policy have confirmed that the improvement in health infrastructure is important for the local area and this will be addressed as part of the preparation of a BCP Local Plan and it is understood that Government is drafting a strategy for NHS funding from developers nationwide. However, at this stage it is not considered reasonable to try and secure a contribution. It is not considered that the development is contrary to policy LN7 as the policy does not provide a mechanism for securing any contribution or an evidence base and as outlined above it would not meet Regulation 122(2) of the CIL Regs.

## **Education**

163. Policy LN7 (Community Facilities and Services) seeks to ensure the provision of facilities and services for the community such as education and health centres. The Department of Education have recently published

guidance 'Securing developer contributions for education' (2019) which states; 'There is an expectation that developers must mitigate the costs of the school places for which they generate a need'. BCP Education Authority have assessed the proposal and requested a contribution of £454,083.00 towards primary and secondary school places based on the number of pupils the development is likely to generate.

164. As above with regards to the health contribution, Policy LN7 refers to the provision of education services. However, there is minimal information on the amount and what any contribution would be spent on. The Draft Infrastructure Delivery Plan which was created alongside the Core Strategy was never formally adopted. This document does refer to enhancing and extending education facilities within the Christchurch area; however as this was not adopted, it is being given limited weight in the determination of this application.
165. The CIL Regulation 123 list does not specifically include the allocated site providing any specific education provision. However, it refers to a proportionate contribution towards education which must be agreed by the Education Authority and the Planning Authority. It is fully recognised that BCP Education Authority have provided a figure based on current need; however this figure is considerably higher than what is likely to be secured if the application was CIL liable. Bearing in mind the tests for a planning obligation in paragraph 160 above, any contribution must be fairly and reasonably related in scale and kind to the development and must be mitigating the impacts of the development on education provision in the locality and not using the development to address pre-existing issues. Where the LPA exempts a development from CIL because it recognises the costs of delivering adequate SANG provision for larger sites, it is a challenging position to require an education contribution which significantly exceeds what would have been payable under CIL.
166. The applicant is of the view that there is not a demonstrable need for further primary school places given the current capacity and also a high proportion of the numbers of children that would move to the affordable units are already within the schools within Christchurch. There has been no viability assessment submitted as part of the proposals; however the applicant has stated making a contribution of the requested amount would affect the provision of affordable housing and viability of the scheme. Since the previous Committee report was published and a contribution in the region of £200,000 was considered to be appropriate, further negotiations have taken place with the applicant, Planning Officers and BCP Education. It has been agreed that a final contribution of **£251,966.40** will be secured. At this point, this contribution could be used for any school with the pupil place planning area and this includes Highcliffe, The Grange and Twynham and Avonbourne Boys/Girls school.

167. The Government's position on planning obligations is set out in the National Planning Practice Guidance. The advice is clear that policies for planning obligations should be set out in Plans and examined in public. Policy requirements should be clear so that they can be accurately accounted for in the price paid for land. The Guidance continues that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. In the circumstances it is considered unreasonable to refuse this application based on the reduced amount of the education provision given the current policy position. As the formation of the BCP Local Plan proceeds, education provision is clearly something that will need to be addressed and evidenced and adopted through the Local Plan process.

### **Dorset Heathland**

168. The site is within 5km and beyond 400m of Town Common which is designated SSSI and forms part of the Dorset Heathlands Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar. In accordance with the Local Plan and Dorset Heathlands Framework, a contribution of £700,000 will be secured as a contribution towards the enhancement and management of the three proposed Heathland Infrastructure Projects (HIPs). This is in addition to the SAMM contribution which is calculated as £263 per house and £179 per flat. This provision and the rationale will be discussed in paragraph 388 – 400.

### **Surveillance cameras**

169. In order to continue providing security and surveillance of this part of the town centre, the existing surveillance camera at Pitside Car Park will need to be relocated and two additional cameras would need to be installed. The applicant has confirmed they are willing to make the financial contribution of £25,000 to secure this provision. This planning obligation is considered to meet the three tests set out in Regulation 122 (2) as the development means the existing camera can no longer function and given the increased commercial premises and residential properties in this location there is a need for 2 additional cameras.

### **Design and Layout**

170. Local Plan Policy HE2 (Design of New Development) sets out the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness. To achieve this, development will be permitted if it is compatible with or improves its surroundings in terms of design criteria (as set out). Local Plan Policy HE3 (Landscape Quality) sets out that development will need to protect and seek to enhance the landscape character of the area.

171. The NPPF (Section 12) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 sets out that good design is a key aspect of sustainable development. Paragraph 130 sets out that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
172. A significant number of local representations set out that the design of the proposal is poor quality and/or inappropriate for the area. Officers are firmly of the view, for the reasons set out in this section of the Committee Report, that the scheme is a very well realised and very well designed scheme which will be a significant asset to the character and appearance of this key town centre gateway site and moreover, is a considerable improvement over the current situation.
173. The proposed site layout is, essentially, based on a straightforward concept with larger residential blocks located adjacent to the southern and eastern boundaries along the Prime Transport Corridors and smaller residential buildings in the rest of the site which decrease in scale westwards towards Twynham Avenue. The proposal reflects the wider 'grain' of the area with larger buildings sited facing Barrack Road and Fountain Roundabout with smaller buildings and a more intimate street scene to the north and west of the application site. As such, this is considered to be an acceptable configuration in terms of the siting of larger scale buildings along the main thoroughfares into the town centre where existing development is a greater scale and bulk and smaller residential buildings into the site reflecting the existing local townscape.
174. There are two main access routes into the site, one each on Barrack Road and Bargates. There is no through road across the site to prevent creating a ratrun to avoid the Fountain roundabout. There is access to the rear of Block A and this would also allow pedestrian and cycle access to Bargates. The western portion of the site does not provide a through route to existing residential areas to the west such as Twynham Avenue. It is considered that the layout provides appropriate vehicular and pedestrian permeability to and from the centre of the site to the eastern boundary and between Bargates and Barrack Road.
175. The Magistrates Court SPD (Paragraph 5.13) sets out that good public space enhances the town's image and will help to change how it is perceived. In line with the supporting criteria, public space within the development is provided in the form of streets, courtyards and a green. The proposal includes a sequence of open spaces on an east-west axis. This includes large courtyards to the rear of Block A and within the internal space of Block B, a smaller public meeting space on the main route across the site and a 'hidden' grassed square in the westernmost part of the site. The courtyards are

considered to be suitably urban in character. These provide opportunities for informal social interaction.

176. The notion of including spill-out areas for potential A3 and A4 uses to the rear of Block A was discussed in detail at the pre-application stage. However, it was determined during pre-applications discussions that servicing access, parking and ensuring good amenity for future residential occupiers should take priority in this area.

177. The supporting Planning, Design and Access Statement (PDAS) sets out (Paragraph 2.12):

*'Within the historic town centre, building facades generally front onto the pavement edge, helping to create a continuous frontage and a strong sense of enclosure. This sense of enclosure is reduced beyond the historic centre due to the residential nature of the areas with housing set back behind front gardens (1-3.5m) behind a low wall or hedge. This relationship to street and the scale of buildings helps to create a variety of street enclosures, which combine to help create a sense of place and also a hierarchy to the streetscape.'*

178. It is considered that the proposal successfully creates a suitably robust sense of enclosure throughout the site that provides for urban, rather than suburban, streets in line with the Development Brief SPD.

179. Block A provides a stepped building line which curves around the apex of the site from the Conservative Club on Bargates onto Barrack Road. Blocks R a and b both of which face onto Barrack Road, are progressively stepped back but provide the new 'strong' frontage sought in the Development Brief SPD.

180. The Magistrates Court SPD sets out with regard to scale and massing:

- *The area is characterised by low and medium rise development with the prevailing building height at 2 to 3 storeys*
- *New development on the site should be on average 3 storeys in height with the opportunity to increase this at the apex of the site adjacent to Fountain roundabout to create an appropriately designed landmark building.*

181. The proposal includes habitable buildings ranging in scale from 2 storeys to 3.5 storeys. In line with the SPD there is a suitable transition in scale and massing across the site with the largest to the east (at the apex of the site) to modest 2 and 2.5 storey dwellings in the western portion of the site. The scale and massing of the proposed residential blocks along Barrack Road are considered to be a suitable design response with a transition from 3.5 storeys to 2.5 storeys westwards, which in conjunction with deeper building setbacks provide a suitable increased sense of enclosure when moving eastwards towards the Fountain roundabout.

182. The proposed buildings at the apex of the site provides a landmark building (Block A) which would terminate views from the High Street. The proposal maximises views across Barrack Road and onto the recreation ground through the scale and siting of the larger residential blocks. The proposal also provides, by virtue of the massing of the buildings, a greater degree of enclosure to the wider Barrack Road street scene in contrast to the modern, open design of the former police station site.
183. The proposal provides a continuous building frontage at the apex of the site between the Conservative Club and the existing Pit car park access (which is to be retained). The ground floor of this block provides suitable surveillance of the street through glazed shop fronts. No blank facades face key areas of the public realm. The main service yard is to the rear of Block A which would serve the flexible commercial units and retain access to the Conservative Club. Any views of the service yard, either from the gap between Blocks A and C, and Block A and the Conservative Club are essentially oblique.
184. The proposal applies good urban design practice including well-designed buildings at key corners within the application site. Notable corner buildings include the two 3.5 storey residential buildings of significant massing facing Barrack Road either side of the new through route, and the NE facing (rear) corner of the main retirement block which effectively 'turns' the corner into the rear lane through the subtle use of ground floor fenestration which suggests a building converted from a prior commercial use.
185. All of the 35 proposed houses have private rear gardens. The size of each garden is considered to be adequate taking into account the size of the dwelling and the town centre location. The larger retirement block (A) facing Barrack Road has a large front garden for communal use by residents. The open area around the two protected trees adjacent to Block B is semi-private space for residents of that block.
186. Residential dwellings in Block A (which faces Fountain roundabout) do not include any private amenity space. It is considered that balconies would not be appropriate on the front elevations of this building given its design concept and the requirement to preserve or enhance the Christchurch Conservation Area. On the rear elevations, Juliet balconies are proposed although they do not provide any external space. However, prospective residents would benefit from close siting to the public park opposite this Block.
187. The supporting Planning, Design and Access Statement (PDAS) sets out (Paragraph 4.14) sets out that the proposed development respects the architectural detailing and language within the town centre and proposes a traditional style of architecture using traditional materials. This assessment is supported by the Conservation Officer's consultation response above (para. 103).

188. Essentially, it is considered that the form and fabric of the proposed buildings has drawn from the existing historic housing and other notable buildings to create a well-considered and well-realised design form. The modestly scaled terraced houses at the western end of the site reflect the vernacular cottages found in Silver Street and other lanes in proximity to the Priory. The dwellings with first floor accommodation above integral garages reflect similar existing residential typologies in Ducking Stool Lane amongst others. The more formal houses in the centre of the site reflect the historic houses in Millhams Street with their formal frontages, small front gardens and mix of roof forms, materials and roof ridge heights. The proposed larger buildings fronting Barrack Road and Fountain roundabout generally have a simple formality which reflects notable existing buildings such as the Kings Arms Hotel.
189. It is considered that the proposed architecture clearly takes its cues from the form and fabric of the historic town centre and will thereby complement its appearance. The resulting strong sense of enclosure, traditional vernacular and generally formal interfaces between the public and private realms avoids the obvious tensions that a more contemporary scheme (which the Development Brief SPD allows for in principle) would likely have with the town's historic form and fabric. The proposal also, correctly, avoids the trap of setting out a more suburban street scene with large detached houses such as that found in streets immediately to the west. The overall character of the proposal is appropriately urban and dense in line with the aims and objectives of the Local Plan policies relating to town centres and Prime Transport Corridors as well as the Development Brief SPD.
190. It is considered that the successful execution of the proposal will depend to a large extent on the quality of the built materials utilised. The proposed larger blocks facing Fountain roundabout and Barrack Road are either within the town centre conservation area or abut its boundary and hence are within its setting. It is expected that due to the strategic location and prominence of the site it is expected the final materials must be of a suitably high quality and this can be secured by condition.
191. The Conservation Officer from the former CEDDC has provided a detailed note on the design and the use of appropriate materials. Given the strategic importance of the application site, the Conservation Officer has advised the following for those buildings impacted by heritage assets:
- Bricks to be low-fired soft clay taken from a palette of reds through to buff
  - Flemish bond brickwork with burnt or decorated headers
  - Lime-based mortar with no cement or additives
  - Where proposed, real stone sills or lintels (rather than reconstituted stone products)
  - Positive use of creasing tiles or plain tiles or platt bands

- No painted brickwork, fake chimneys
- Cast iron, black gunmetal rainwater goods and sustainable source timber materials
- High quality metal framed doors & windows on ancillary style dwellings
- Natural slate, plain clay or pan tiles are suitable roofing materials; Spanish slates to be used only if true riven

192. The application form confirms that materials will include brick, slate and tile roof tiles, timber and UPVC windows & doors, and timber fencing. As such, taking the comments of the CBC Conservation Officer into account, in this instance it is considered appropriate to secure suitable materials and brick bonds conditions for those buildings sited within, or the setting of, heritage assets including the Christchurch Town Centre Conservation Area.

193. The proposed hard landscaping includes a mix of surfaces comprising cobbles, block paving, permeable tarmac (coloured and black), paving and new brick walls. Essentially, the proposed hard landscaping is considered to be suitable for the site and can be secured through suitable conditions.

### **Heritage Assets**

194. Local Plan Policy HE1 (Valuing and Conserving our Historic Environment) sets out that heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment. The Policy states that; *'The significance of all heritage assets and their settings (both designated and non-designated) will be protected and enhanced especially elements of the historic environment which contribute to the distinct identity of the area'*. The Conservation Area boundary includes the Pit site car park and the front boundary with Barrack Road. However, clearly the site has a significant impact on the wider setting of the Conservation Area.

195. The Christchurch Central Conservation Area Appraisal and Management Plan was adopted by the council in September 2005. The Pit Site Car Park and Magistrates Court Site is identified as a development opportunity site:-

*'The Magistrates Court Site Development Brief prepared by Christchurch Borough Council outlines in detail the aspirations for this site. Comprehensive development of this site in line with the development brief would enhance the street scene and tighten the, at present, loose townscape. It would also help knit the fabric of the town back together by improving the visual and physical links between Bargates and the High Street. This would have significant enhancement potential for the conservation area and its important boundary with Bargates'*

196. NPPF Annex 2: Glossary sets out that the setting of a heritage asset is: *"The surroundings in which a heritage asset is experienced. Its extent is not*



*fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

197. A statutory duty exists under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') for the local planning authority in considering whether to grant planning permission for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. These requirements necessitate considerable importance and weight being given to any heritage harm identified.

198. There are a number of listed buildings in proximity to the application site as outlined in paragraph 246. The supporting Heritage Statement (Milton, September 2018) sets out that;

*'the removal of the former Police Station and Magistrates Court buildings would significantly improve the setting of the Fusee Building and that pulling the built development further away and forming a cobbled pedestrian access and shared surface yard to the west of the Fusee building would provide greater openness, thereby increasing the prominence of the listed building and enabling a much greater appreciation of it. The northern end of proposed Block B would drop down to 2½ storeys with a hipped roof in order not to dominate the listed building from the west. The scale and siting of the development to the west would sustain the natural light into the listed building, a key feature of its significance, by avoiding overshadowing from new buildings'.*

199. Officers consider that the design response to the setting of the Fusee building is suitable. It is noted that the proposal through the introduction of a new shared surface route opens up new views of the Fusee building which is an improvement to the current setting where views are obscured by vegetation. Given the separation distances, it is considered that the proposal would not have a harmful impact on the setting of the listed buildings sited on Bargates including 22 and 24 Bargates which are the closest to the scheme. Given the separation distance and Barrack Road being sited between the proposal and the listed Stour Cottage, it is considered that the proposal would have a neutral impact and therefore no harm is caused to the setting of this listed building.

200. The proposed siting and more specifically the positioning of buildings fronting Barrack Road and Fountain roundabout are considered to enhance the character and appearance of the Conservation Area. Currently, the site is dominated by unsympathetic hard surfacing and car parking. The Conservation Area Appraisal states; '*Views north out of the conservation area*

*are poor with the police station having a negative impact and electricity pylons forming the backdrop. The Pit Site car park to the corner of Barrack Road, Fountains Way and Bargates significantly weakens the townscape and does not contribute positively to the character of this part of the conservation area'.*

201. The development and the strong buildings along the Fountain roundabout and down Barrack Road will create a positive frontage to the townscape and therefore is a positive enhancement to the Conservation Area, complying with the statutory test. The scale of the buildings are considered appropriate. There are larger scale buildings along Sopers Lane with the former Telephone Exchange building and a 2½ storey new building has previously been approved by Planning Committee adjacent to 1 High Street opposite the site. The Travel Lodge building on the opposite side of Fountain roundabout is a building of greater scale and mass within the locality and is of a design which detracts from the character of the Conservation Area.
202. The former Goose and Timber Public House lies just outside the Conservation Area and as such its removal does not form part of the separate Conservation Area Consent. However it is considered to be a non-designated heritage asset. The NPPF in paragraph 197 states; *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*
203. The supporting application document 'Assessment of Significance' identifies the former Goose and Timber Public House, dating from the mid C19th and considered it to be a non-designated heritage asset. This building which fronts Barrack Road is a two storey, painted brick with a slate roof and a parapet to the front roof. It is currently closed and boarded up. The public house used to be part of the row of development along the Barrack Road frontage within the application site prior to the development of the Police site and Magistrates Court in the 1960s. Once this built form, including many villas were lost, the Goose and Timber Public House has become quite isolated. The above document refers to the public house as having local interest due to its social history 'as a vestige of the Victorian suburb within this part of Barrack Road'. However, it considers that it is of limited architectural historic interest and given its isolated position does not make a positive impact on the character and appearance of the Conservation Area.
204. It is Officers view that the loss of this non-designated heritage asset is outweighed by the re-development of this important gateway site and the proposed layout and form of buildings would make positive contribution to the Conservation Area. The former CED Conservation Officer made the following comments; *'In order to deliver this estate, sacrifices will be required. One being the older public house called the Goose and Timber. A commercial*

*building that seems to have lost the sense of place that other buildings within the town have managed to retain. They have also maintained or retained their community which is not the case here'.*

205. The loss of this building would result in substantial public benefits that outweigh the removal of this non-designated asset. By re-developing this site and creating much needed housing and in particular a proportion of affordable housing as well as attracting investment into the town with the commercial premises it is considered the loss of the Goose and Tiber public house can be justified. The proposed positioning of buildings fronting Barrack Road and Fountain roundabout are considered to enhance the character and appearance of the Conservation Area. Currently, the site is dominated by unsympathetic hard surfacing and parking. The Conservation Area Appraisal states; *'Views north out of the conservation area are poor with the police station having a negative impact and electricity pylons forming the backdrop. The Pit Site car park to the corner of Barrack Road, Fountains Way and Bargates significantly weakens the townscape and does not contribute positively to the character of this part of the conservation area'*. The loss of this building will facilitate the redevelopment of this strategic site and provide a positive frontage on one of the main routes into Christchurch town centre. Therefore, this forms the balanced judgement as required by paragraph 196 of the NPPF. Whilst policy HE1 does not refer to the loss of heritage assets and states that they should be protected or enhanced, there is no reference to this building being locally listed and little reference to it in SPDs or the Local Plan. The Conservation Area Appraisal refers to it as follows (under its former name); *'Although the Wellington Public House is stranded on this side of the road, its strong gable profile dominates the view along Barrack Road into the conservation area'*. It could be said that the loss of this building was contrary to policy HE1; however given the NPPF wording as outlined above, it is considered its loss when taking into consideration the benefits of the scheme is acceptable. Overall, the development is still considered to be in accordance with the Development Plan as a whole.

206. As such, subject to suitable conditions, and taking into account the public benefits of the proposal (see *the Planning Balance section of this Committee Report*), the proposal does not result in harm to the designated heritage assets and therefore accords with Local Plan Policy HE1, NPPF Paragraphs 189-190, 192-194, 196-197 and 200 and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act.

207. In reaching this decision the Council has had due regard to the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of*

*preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

208. In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that “*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

### **Archaeology**

209. A Written Scheme of Investigation has been submitted as part of the application documentation. This document covers the historical background of Christchurch and confirms that the town has a medieval origin and the area is nationally significant for its prehistoric settlement. Archaeological investigations have taken place on the site in 2005 and 2015 and post-medieval deposits including walls, foundation, drainage features and surfaces are present on the site which is to be expected. The area currently used for the Pit Site car park had the most significance with medieval features being identified.

210. Given the archaeological potential and large areas of the site having not been fully evaluated given the presence of buildings and restricted access, mitigation measures have been put forward to ensure further trial trench evaluation takes place following the demolition of the buildings. The WSI confirms that if significant archaeological remains are identified further phases of mitigation may be required, potentially in the form of excavation and or a watching brief during groundworks. Dorset Council’s Senior Archaeologist considers the above to be appropriate and suggests a condition in order to secure the proposed mitigation measures.

### **Residential Amenities**

211. Policy HE2 ‘Design of New Development’ states; ‘*Development will be permitted if it is compatible with or improves its surroundings in: relationship to nearby properties including minimising general disturbance to amenity*’.
212. Being a town centre brownfield site, the proposed development will create new built relationships with the surrounding residential properties. Twynham Avenue lies to the north west of the site and there is currently a buffer between the rear gardens of these dwellings and the existing car park. As such, the outlook from the rear of properties is enclosed and relatively quiet given their proximity to Bargates and the town centre. This area formed part of the rear gardens of the villas along Barrack Road, No’s 43 – 47 and is currently overgrown with shrub and a number of trees but offers a distinct separation between the residential dwellings and the car park and wider former Police Station site.
213. The proposed development will change this relationship and the outlook between the sites. The proposed layout sees two sets of terraced dwellings

along this northern boundary and units 9 to 13 at right angles to the boundary with the properties at No 19 and No 21 Twynham Avenue. There is a distance of approximately 27 - 31 metres between the existing properties and the rear of the new dwellings and a 5 to 10 metre ecological landscaped buffer along this boundary. Therefore, notwithstanding the town centre location, the scheme has secured suburban building-to-building distances and thereby retains acceptable privacy to neighbours in Twynham Avenue. The removal of one unit in order to increase the ecological corridor has also improved the relationship between proposed Unit 9 and No 19.

214. This built relationship is considered to be acceptable in this town centre locality and it is noted the properties on the western side of Twynham Avenue have a similar back to back built relationship with those on Stour Road. Units 1 to 8 are 2-storey properties measuring 8.2m and 8.6 in height with standard first floor windows at first floor level on their rear facades. This would result in a typical residential relationship of the rear of the proposed 2-storey dwellings facing the rear of existing single- and 2-storey dwellings on Twynham Avenue over a distance in excess of 20m. This is a common arrangement seen across the town and is acceptable. Bearing in mind the town centre location and the emphasis on increased density for the site in adopted policies, achieving this relationship shown is a significant benefit for neighbouring properties. It is considered that the layout of the development has plainly met the test in Policy HE2 to minimise the impact on residential properties surrounding the site.

215. The redevelopment of this site will result in changes to the nature and levels of activity east of the Twynham Avenue properties' rear boundaries. The additional built form closer to these rear boundaries and the loss of some trees and vegetation result in changes to the environment. However, the site is allocated in under Policy CH1 for high density residential development and it is acceptable for residential development to adjoin existing dwellings as this is the pattern of residential development across the town. Ordinary residential occupation of a dwellinghouse is acceptable adjoining an existing dwelling. The proposal has had regard to the resulting relationships and the proposed layout and design of the properties and their separation from existing properties noted is considered to minimise future disturbance to amenity, taking account of this urban town centre location, thereby complying with Policy HE2.

216. Surereed Court is a two storey block of 4 flats positioned on the existing access to the site from Bargates and will be sited on the western boundary of the development and it would be bordered by the main access from Bargates and the access road to an area of parking to serve part of Block C. The outlook from the flats within Surereed Court is primarily to the redundant poor quality buildings and the car park. A greater level of built form will be visible from the flats throughout the building; however it is not considered that the occupiers would be significantly adversely affected by the scheme. Block B is

the closest building and the western end of this is two and half storey in height which would look towards the side of Surereed Court. There is one first floor window and a front door on this southern end of the building. There is 9.2metres between the buildings so there would be a degree of mutual overlooking between the properties; however the existing building on site has large areas of glazing which currently afford views directly towards the flats. These flats do not have any external private amenity space that would be overlooked.

217. Whilst the car park and wider site has been under used for some time and activity levels and movements reduced as result, this would not be the case when the premises were still in full use and occupied. This is a town centre location and a level of activity and noise is to be reasonably expected. Moreover, the majority of the site would be in residential use. The surrounding residential units will experience changes in activity, noise and movement. The relationship between the new properties and those in Twynham Avenue are common found in urban area and the noise and activity associated with typical domestic use is a compatible use to adjoin other dwellings. There is no evidence to demonstrate unreasonable levels of noise and disturbance to existing residents from adjoining a new dwelling as opposed to a car park. The positioning of Block B and Terraces K and H which lie close to Surereed Court and Marion Court will result in additional noise and activity over and above the existing situation; however, again this relationship is not uncommon in a town centre.
218. Marion Court and the associated parking lies within proximity of the north east boundary. This is a three storey building with garages at ground floor level and there are small balconies at first and second floor level facing the application site. Unit 26 which is a two storey detached property and its rear garden is proposed adjacent to this boundary. There is a proposed distance of approximately 23 metres back to back which again is considered to be a suitable distance for this town centre location. There is a first floor bay window and standard window on the southern elevation of the two storey building adjacent to Marion Court and a distance of 13 metres between No 26 and this building. However, given its position, it is already is open to views from the access road and parking area so this relationship is not considered to be significantly harmful. The adjacent building to this is a flat roofed garage building.
219. No 43 Barrack Road is a large detached villa. Its plot will be severed; however the resulting rear garden would still measure in excess of 35 metres. No 45 would have a rear garden of 26 metres and 43 would see its rear amenity space reduced to 25 metres. This level of amenity space is considered to be sufficient and still enables these villas and plots to retain their spacious character. It is considered there would not be a significant impact on

the residential amenity of these two buildings and the layout minimises general disturbance to their amenity.

220. The proposed dwellings within the site are all considered to have adequate private amenity spaces and the built relationships between the buildings and the gardens are appropriate. Plot sizes correspond to the footprint of the dwellings. The gardens for units 1 to 13 on the north western boundary are modest; however for these 2 and 3 bedroom properties within a town centre location they are considered to be acceptable. The pockets of open landscaped areas allow for occupiers and visitors to engage with each other and the larger space in front of terraces E and F towards the western corner of the site provides additional amenity for the surrounding occupiers. The shared surface and reduced dominance of the car will enable pedestrians to be able to interact outside of their homes in a safe environment.

### **Noise and Lighting**

221. Block A includes a mix of commercial and residential purposes and BCP Environmental Health have made comments on this relationship. It is not uncommon to see residential units above retail, offices and cafes within town centre locations. However, it is still important to ensure the living conditions of future occupiers are acceptable. Deliveries and waste collections should be restricted to cause minimal disruption within the external courtyard behind Block A. It is not considered appropriate to restrict hours of use or opening as this is a town centre location and could restrict future occupiers investing and occupying the units.

222. The application is accompanied by a Noise Assessment which has addressed the impact of the ambient noise on the proposed dwellings; the impact of noise from new plant on noise sensitive receptors; and the potential noise impact from the nearby Christchurch Conservative Club. Ambient noise levels have been determined on site, with measurements taken at 5 locations and it was determined that road noise from A35 and the Fountain roundabout was the dominant source of noise throughout the evening. The report suggests that to minimise any noise on future occupiers acoustically rated glazing and ventilation are put in place for the residential properties with properties in Zone 1 (along Barrack Road and Fountain roundabout frontage and front elevation of Block B) which are a higher specification of glazing. This mitigation is secured by condition (#22) as can be seen below in the report.

223. The redevelopment of this town centre site will result in additional lighting within the area. Currently most of the site is not in use, with the exception of the two public car parks, and as such provides limited light pollution bearing in mind the town centre location. It is clear that with the additional built form and range of uses across the site there will be an increase in external lighting on the adopted highways and in private car parking areas and lighting from within the commercial and residential buildings. A plan accompanies the application indicating the proposed locations of new street

light columns. Notwithstanding this submission, a condition has been suggested to secure precise details of the lighting on the road network within the development and therefore the Local Authority will have control over the type, position and level of illumination of the proposed lighting. Given this town centre location a certain amount of lighting is to be expected and with the proposed condition in place it is considered that suitable mitigation for any light pollution impacts from the development on the neighbouring residents would be controlled to ensure the impact on neighbouring living conditions is acceptable.

224. The wildlife area along the boundary with the properties in Twynham Avenue will provide some screening from the increase in light levels and the properties would face the rear of proposed residential properties. The properties close to the Bargates access will notice an increase in light levels on the site; however given the proximity to the existing building which when in use would have resulted in some light pollution and the car park, the occupiers amenities are not considered to be harmed. For future occupiers, especially those within the flats close to the commercial premises within Block A will be subject to certain levels of external lighting and noise within the courtyard area. However, this relationship is not uncommon and with lighting covered by condition it is considered to be acceptable.

225. Having had careful regard to the impact of the development on neighbouring residential properties and the future occupiers of the proposed properties, in terms of loss of privacy, loss of outlook, noise and disturbance and light pollution it is considered that the layout has been designed to minimise general disturbance to amenity in the context of this being a town centre location and designated for high density mixed use development in the Local Plan. The proposed development has been designed in a way which respects living conditions at existing properties and limits the extent of impacts to an acceptable degree. It is therefore considered to comply with Policy HE2 of the Core Strategy.

### **Open space provision and recreation**

226. Policy HE4 of the Local Plan deals with Open Space provision and set out the recommended Open Space Standards from the 2007 Open Space, Sport and Recreation Study. If an application is CIL liable, then provision for open space is secured through this process. In this case, the application is not CIL-liable and as such, this provision needs to be considered. This development is not providing any formal open space within the site. Given the majority of the site is defined as 'brownfield', it is within a town centre location and aims to make efficient use of the land, it is not considered appropriate to insist that space is provided within the application site. The recommended accessibility standard for certain areas such as recreation grounds, amenity green space, active sports space and children and young person's space is set out in the table within the policy (p.164).



227. The site is within 200m of the recreation space (measured from north-west boundary) and New Zealand Gardens on the opposite side of Barrack Road which also contains a children's play area. The site is 300 metres from Druitt Gardens, within approximately 650 metres of The Quomps, within 670 metres of the open space at the Meridians to the south west and 1200m from the skate park adjacent to 2 Riversmeet Leisure Centre. Given its central location, it is considered that future residents would have adequate access to a variety of open space areas. Furthermore, there is a modest open area within the western part of the site for amenity purposes.
228. The current Local Plan policy lacks clarity on how to calculate the provision of open space required for developments. This policy was looked at as part of the Local Plan Review; however given no further work is being done on this, it is being limited weight. It is considered that given the site's location and proximity of different types of open space to the development, no additional financial contribution is required. BCP Council's Landscape and Countryside Team Leader considers that there is no demonstrable need for more formal open space, play facilities and sports pitches in the immediate vicinity. The main value to the wider community is the off-site HIPs contributions to enhance existing open spaces, which occupiers would have access to.

### **Access, parking and impact on local transport network**

#### **Loss of car parks**

229. A significant level of representation has been received with regards to the loss of the BCP Council owned Pit site car park and the Dorset Council owned Bargates car park.
230. It is important to understand the status of the car parks and the decisions that have already been made by the preceding Christchurch Borough Council. In late 2017, the preceding Council made the decision to sell the car parks and a parking study was undertaken to look at the impact of the loss of the parking spaces on the town centre. A Task and Finishing Group was set up to look at the options available to ensure there was sufficient car parking provision in the town. A number of options were considered including the addition of another level of parking on the Bypass (Waitrose) car park. The Council made the decision to spend £300,000 to rearrange and update the existing car parks in the town centre which resulted in an additional 105 parking spaces being provided across the remaining town centre car parks along with rearrangement of short and long stay spaces and improvements to the lighting on the lower level parking at Saxon Square which was previously underutilised.
231. Contracts have been exchanged on the sale of the Pit Site car park (and it is understood the remainder of the site) to the applicant. In addition, Dorset Council is under no obligation to retain the Bargates car park as a car park if this development does not come forward, so its potential loss is not

considered to be a material constraint on this development, particularly in light of the extent of the additional town centre car parking provision already provided by the preceding Council. It should also be appreciated that the agreement the Council has entered into to sell the Pit site car park is legally binding.

232. The determination of this planning application is separate to the decision of the preceding Council decision to sell the Pit Site car park. Notwithstanding this application, the Council has made the decision to dispose of the car park and has been satisfied that suitable alternative provision has been provided and moreover this decision (Nov. 2017) was made on the basis of a relatively recent town centre car parking assessment. Christchurch Borough Council has been committed to the redevelopment of the Pit Site car park in planning policy since 2003 when it adopted the Christchurch Magistrates Court Site Development Brief. In the interim no policy has been adopted seeking to retain the car park from development. The BCP Parking Manager has confirmed that current occupancy levels in Christchurch Town Centre car parks are low due to the impact of Covid-19 which is unsurprising.
233. A Strategic Car Park review across BCP Council is being undertaken, (currently paused due to Covid-19) and this will broadly indicate if current levels of parking are adequate for the Council to meet its priorities. It is clear that the current situation has changed the picture of parking needs and there could be changes to town centres in general; however it is considered that the loss of these two car parks would not undermine the parking provision in the town centre as compensatory provision elsewhere within the town centre has already been provided by the preceding Council. With the Government and Councils striving to increase the use of sustainable forms of transport and decrease congestion, this scheme is acceptable in this regard.
234. Saved policy P2 of the Local Plan refers to the extension of the Magistrates car park to meet needs for long-stay car parking for town centre employees (para. 7.76). These saved policies were adopted in 2001 and it would appear that in the intervening 19 years, the need for such long-stay town centre car parking for employees on this site was not of such importance to the preceding Council to carry out the car park extension in the policy. It is also noted that this requirement to retain the site for long-stay commuter parking was not carried forward into the Core Strategy (CS) policies adopted in 2014. Provision of additional long-stay commuter parking fails to encourage channel shift to other sustainable forms of commuting transport and is likely to lead to additional peak-time vehicle commuting to the town centre, adding to the existing congestion problems and adding to the impacts on air quality for residents. It would also run counter to Objective 3 of the Core Strategy that the impact of carbon emissions from transport will be reduced by more sustainable patterns of development in accessible locations, and by encouraging travel by bike, on foot, or by public transport.

235. Policy CH1 advises that the Council will ensure that adequate parking levels are maintained within the Town Centre so as not to adversely affect vitality and viability. Whilst Policy P2 was 'saved' as part of the Core Strategy and thereby remains part of the development plan, there is an apparent conflict between its requirements and Policy CH1's allocation of the land as a key site for delivering the town centre vision.
236. Where there is a conflict between policies in the development plan, the principle is that the most recent document takes precedence. Therefore the CS policies will carry greater weight. With regard to the test in Policy CH1 that adequate parking levels are maintained within the town centre, Members can be reassured that the decisions of the preceding Authority to dispose of the car parks and provide alternative provision elsewhere in the town centre were informed by up-to-date assessments of town centre car parking.
237. Saved Policy P5 refers to development affecting public parking spaces and any spaces lost shall be replaced either on-site or within the vicinity of the site to the satisfaction of the Local Authority. As outlined above, studies were undertaken by the preceding Authority and alternative arrangements made and provided within town centre car parks to the satisfaction of the preceding Council.
238. This application is to be determined on its own merits and it provides a significant opportunity to revitalise an empty and vacant prominent site in the town centre. This is a sustainable location and BCP Highways have stated; *'Both car parks have parking regimes as long stay car parks but this can have the effect of acting as a commuter car park with more than 4 hours parking being allowed. This does not encourage sustainable modes of transport amongst town centre workers who may find the car parks convenient'*. The level of parking provision on the site will be discussed in detail below.
239. Contractually, there is a requirement for an access road between Barrack Road and Bargates across the site and this has affected the layout. However, as paragraph 2 of the Highway Technical Note confirms, providing the road was constructed as a through link, temporary traffic measures could be used to prevent vehicles crossing the site. The site plan shows how large planters have been positioned within the access road. This prevents vehicular access but still allows pedestrian and cycle access across the site, improving permeability but also assisting safer routes through the town centre for non-vehicular traffic. In the longer term, this allows flexibility for the Council and Highway Authority who will have adopted the road to make any necessary changes if the Fountain roundabout is re-designed.

### **Access and traffic flows**

240. There are four vehicular access points onto the site. The two main ones are on Barrack Road and Bargates. The existing access to the Pit Site car would be used to serve the residential units and commercial units in Block A.

There would be a further access to the retirement flats off Barrack Road. Consideration was given to providing sole access to the retirement flats and the basement parking from within the site. However, given the changes in ground level this was considered not to be feasible.

241. Given the four lanes of traffic on Barrack Road, it is considered for highway safety reasons that the three accesses onto Barrack Road must be left hand turn only. A new physical island is proposed to control this from the access closest to the roundabout. This restriction is considered necessary in order to retain the flow of traffic on both sides of the highway and to ensure highway safety for all users.
242. The Transport Assessment concludes that there would be a net reduction in traffic generation when compared to the existing permitted uses. It is appreciated that since the closure of the Police Station and Magistrates Court, vehicle movements have lessened. Nonetheless the traffic levels associated with the development would comply with the guidance in para. 109 of the NPPF in not having a severe impact on the road network. BCP Highways have no objections to the increased vehicular movements associated with the development.

#### **Parking and cycle provision on site**

243. The proposed development provides 185 parking spaces for all the residential units and the commercial premises. 3 spaces are allocated behind the commercial units, 24 basement parking spaces are provided beneath the retirement building and 161 are surface parking across the rest of the development. There is also provision for flexible on-street parking which provides spaces for deliveries, visitors and so on. With regards to disabled parking, the Technical Note confirms that 5 of the 37 retirement spaces, 16 of the 74 flat spaces and 12 of the 77 house spaces are suitable disabled parking which equates to 20% of provision across the site.
244. Overall, the allocated and non-allocated provision is considered to meet the requirements of the Dorset Residential Parking Guidelines. This is a sustainable town centre location and it is recognised that this scheme provides valuable opportunities to allow people to access facilities and services either by foot, cycle bus or train.
245. A Travel Plan has been submitted with the proposals. The document aims to help and encourage people to make informed choices about their travel for work or leisure purposes. Currently the TP will be used to inform the preparation of travel information to be given to residents in the form of 'Welcome Travel Packs'. A Travel Plan Coordinator is likely to be appointed and funded by the developer and it is envisaged that the TPC would be appointed prior to occupation of the development and would be funded for five years. The final Travel Plan can be secured through the S106 or by condition.

246. Within the courtyard to the rear of Block A, cycle parking would be provided for the commercial premises and there is cycle parking provision for residents of Blocks B and C on the ground floor of the buildings. On the ground floor of block R a, the sheltered age restricted accommodation, there is a dedicated space for mobility scooters for residents.

### **Permeability, pedestrian and cycle links**

247. The layout offers a number of pedestrian links through the site. The main one being through from Bargates to Barrack Road despite the lack of vehicular access directly across the site. There are proposed new links to the town centre with the pedestrian crossings and a new bus stop providing access to other parts of Christchurch and across the conurbation and beyond.

248. There are a number of highway improvements proposed to improve the pedestrian and cycling environment for future residents and also which would have wider benefits for existing residents and visitors to Christchurch and this part of the town centre. The following measures will be secured through the s106 Agreement and are considered to meet the CIL Regs (122) (2);

- The path around the Barrack Road and Fountain roundabout frontage of the site widened to allow for a shared pedestrian and cycle path.
- New toucan crossing on Barrack Road in front of the retirement block
- New signalised crossing on junction of Barrack Road with Fountain roundabout.
- Pedestrian/cycle priority across access junctions – carriageway would be raised for depth of the pedestrian/cycle path provision to create a flush surface
- New bus stop on Barrack Road
- New toucan crossing on Bargates

249. In order to overcome issues of flood risk, the ground floor levels of a number of buildings along Barrack Road frontage and within Block A have needed to be raised. This has had an impact on the entrances to the commercial premises. The plans have been amended to show the path being split along the frontage of the Fountain roundabout. One section would be raised up to facilitate ramped access into the commercial units and the lower level would continue to provide a pedestrian and cycle path around the front. This is not ideal, as it divides this space; however given the flood constraints it is considered necessary and is not considered to severely restrict the flow of movement of pedestrians and cyclists. There would be pedestrian and cycle access through the rear parking and access area of Block A to further facilitate permeability from Barrack Road to Bargates.

250. In conclusion, it is considered that the parking provision, road layout and provision of additional measures such as the bus stop and pedestrian

crossings are appropriate for this town centre site and will promote sustainable travel. Christchurch town centre does have a busy road network; however this proposal offers the opportunity to improve permeability between the High Street and Bargates and Barrack Road which currently are divided with the Fountain roundabout.

### **Flood Risk and Surface Water Management**

251. The majority of the application site lies outside of the current and future flood zones. However, the updated Flood Risk Addendum which uses the most recent SFRA (Strategic Flood Risk Assessment) work produced by the Council identifies that the south-east corner lies within the existing Flood Zone 2 and also within future flood extents of future Flood Zone 2 and 3 up to 2126. The data shows the site is more at risk from tidal events compared to fluvial.
252. The NPPF and Policy ME6 stipulate that the Sequential Test, which directs development to the areas with least flood risk must be undertaken. However, paragraph 162 of the NPPF states that sites which have been allocated in the Local Plan and been through this process previously do not need to pass the Sequential Test again. The majority of this site has been allocated in Policy CH1 and all of the site lies within the designated town centre in the Local Plan. There is an adopted Development Brief and this includes the area at risk of flooding in the future. Therefore it is not necessary to carry out the Sequential Test again at this decision making stage. However, as referred to by BCP Planning Policy, given part of the site is at risk there is an expectation that a sequential approach should have been adopted for the layout and positioning of development within the site to minimise the risk of flooding to the proposed development.
253. Having regard to the SFRA Level 2, the design flood level must be 3.24m AOD for Zone 3 and 3.42m AOD for Zone 2 and it is recommended that a minimum of 300mm freeboard is included above this level. The south-east corner of the site has both residential and commercial uses and the floor levels of a number of the buildings within this part of the site did not take sufficient account of the future flood levels. Given this and the potential for flood water to enter the ground floor of Blocks B and C of the residential units as the floor levels were not high enough, the Environment Agency initially objected.
254. However, the plans have been amended and all the floor levels within this part of the site are now set at 3.6AOD. This is in line with the EA's Standing Advice that Finished Floor Levels (FFL) should be set in accordance with the future tidal flood levels in Christchurch Town Centre. The FFLs are now above the design flood level for their lifetime (2126). The Environment Agency are now satisfied and have removed their objection.
255. Looking at the Exception Test which needs to be passed if development cannot be located in zones with a lower risk of flooding, the wider sustainability benefits need to be considered and whether the development would be safe

for its lifetime. This development would provide a significant amount of housing and a policy-compliant proportion of this would be affordable housing. Furthermore, moving Blocks B and C and part of Block A away from the frontage of the Fountain roundabout and Barrack Road would have significant consequences for the overall layout and quantum of the development and the impact on the townscape and Conservation Area. Given the revisions to the floor levels of these buildings and wider improvements to this important gateway site in the town, it is considered that moving the buildings completely out of the future flood zones would not be appropriate. It has been accepted by the Environment Agency that a 3.6AOD FFL will protect the future occupiers of the buildings for its lifetime (100 years). Therefore, it is concluded that the Exception Test has been passed and flood risk is no longer a constraint on the development.

256. With regards to surface water management, the Lead Flood Authority has stated; *'The site is also only at limited risk of pluvial (SW) flooding, with areas prone to ponding on Barrack road, beginning to encroach on the site from 1 in 30-year rainfall events upwards. The risk to the site is therefore considered low, although we note that the low lying and flat nature of the surrounding area may lead to slack flows within surrounding drainage systems, whilst the nearby Main Rivers may cause back water effects to result. This may result in lack of capacity in sewer systems during periods of high rainfall in winters and localised sewer flooding. Equally, raised Ground Water (GW) during winter and high tide, is highly probable given the site's location near to the sea and two Main Rivers, both of which have large catchment areas'*.
257. The National Planning Policy Framework (NPPF), requires all major development proposals to take due consideration of SW management and should offer a Drainage Strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site.
258. The proposals include 13 attenuation tanks across the site of different sizes and a network of surface water pipes. The surface water from the main adoptable road that bisects the site from north to south connecting is proposed to be discharged directly to the existing Wessex Water Surface Water sewer manhole. Additional percolation tests have been recently carried out to ensure the capacity of the tanks is suitable. This strategy is considered to be appropriate and would not worsen the surface water discharge on the site. The Lead Flood Authority are now satisfied with the scheme subject to conditions.
259. The NPPF in paragraph 168 refer to major development strategies where possible making multifunctional benefits, for example the chosen surface water management method providing amenity or ecological benefits. The proposed use of attenuation tanks on this site does not provide wider benefits; however as it is a town centre brownfield site it is considered to be challenging to provide such wider benefits which are more appropriately

applied to larger greenfield developments. Given the topography of the site, any amenity areas associated with surface water would have to be situated on the Barrack Road frontage and this would significantly affect the design, layout and impact on the townscape and Conservation Area. For this town centre site, the urban drainage solutions proposed are considered acceptable.

### **Contaminated land**

260. As confirmed by BCP Environmental Health the site is not classified as being contaminated. However, it is advised that there may be some former historic contaminative uses on site. Therefore, it is considered appropriate to include a condition requiring remediation measures if any contaminated land is found during demolition and construction.

### **Biodiversity and Ecological considerations**

261. The application is accompanied by a document 'Ecological Assessment and Mitigation, Compensation and Enhancement Strategy' which has been updated in October 2019 in response to consultation responses. The Assessment has been undertaken by a qualified Ecologist from the Consultants Ecosupport Ltd. Policy ME1 refers to surveys involving consultation with Natural England, Dorset Wildlife Trust and Dorset County Council. Whilst it is not apparent that these bodies were involved in the initial surveys, the updated document has had regard to and taken on board the consultation comments from Natural England, Dorset Wildlife Trust and the Natural Environment Team at Dorset Council. Engagement at the initial stages was considered to be proportionate to the biodiversity interest of the site.

262. Surveys have been undertaken on the site in 2015, 2016, 2017 and 2018 including habitat surveys, assessment of the buildings and trees for bats, surveys for badgers and reptiles. The general conclusion was of a site of relatively low ecological value; however the potential for various protected species to be present was identified. A large part of the site is covered in hard standing with a number of vacant buildings. However, along the northern western boundary of the application site there is an existing area of trees and scrub which according to the document above is managed intermittently on an annual basis.

263. Since the Planning Committee in February 2020, there has been a change circumstances with regards to the Dorset Biodiversity Protocol and the Natural Environment Team at Dorset Council. BCP Council are not signed up to the Protocol and have not been since April 2019. The Protocol originally related to Dorset County Council and the District Authorities. The two Unitary Authorities were not signed up and used their own professional Biodiversity Officers. Therefore, with the formation of BCP Council. This Protocol is no longer necessary. However, until recently NET were still providing guidance and would provide Certificates of Approval for Biodiversity and Mitigation



Enhancement Plans that were submitted to them by applicants. This service no longer exists and as such BCP Biodiversity Officers will use their expertise to provide responses on biodiversity issues. In this particular case, the BCP Biodiversity Project Officer has assessed the scheme in relation to biodiversity issues and is fully aware of all the consultation responses and representations received regarding this matter.

264. The BMEP was updated to reflect the latest comments from NET; however it has now been re-submitted (dated 28 August 2020) in a new format to take account of the fact that BCP are not signed up to the Dorset Biodiversity Protocol. The main revision to the document is the change in wording from 'ecological corridor' to 'wildlife area'.
265. Concerns from local residents have been raised with regards to the loss of this particular area and the implications for the wildlife using it. No 43 Barrack Road and its garden behind is part of this area and is covered by a Tree Preservation Order. The proposals do result in the loss of some of this substantial garden area and its replacement with built form. This is an acceptable form of development across the Local Plan area where 5,000 dwellings are proposed within the existing urban boundaries.
266. Dorset Wildlife Trust have expressed their opinion that the originally proposed 4m width corridor along the rear of Terraces A and B was insufficient and does not compensate sufficiently for the loss of this space and it was not of an appropriate width to work effectively as a wildlife corridor. It is appreciated that this pocket of undeveloped land does provide potential habitats for foxes, nesting birds, stag beetles and an area for foraging bats; however it does not have any specific designations and there are no specific Dorset Environmental Records Centre (DERC) records for protected species on the site, confirming the relatively low ecological value assessment. Nor does the land form part of any existing or proposed ecological corridor, nor would an ecological corridor on the site link to any of the existing or proposed ecological corridors.
267. The Biodiversity Mitigation and Enhancement Plan covers the survey findings and proposes a number of mitigation and compensation measures and enhancement measures to improve the ecological value of the site. Mitigation measures proposed for bats include the following;
- Hedgerow replacement
  - Wildlife area along western side boundary and to include bat boxes within this space.
  - Appropriate lighting scheme
268. Mitigation measures for other protected species and their habitats include the following;

- Updated badger survey to be undertaken a maximum of 1 month prior to site clearance works commencing.
- Any active red fox dens will be excluded with one-way gates and closely monitored.
- Demolition to take place outside of the bird nesting season or demolition to be preceded by nesting bird survey.
- Clearance of vegetation undertaken sensitively to ensure protection of any reptiles and any nesting birds (detailed methodology set out in BMEP).
- Protective fencing around all retained trees
- Any excavations be covered nightly or a suitable escape ramp to prevent entrapment.
- Provision of wildlife area (log piles, wildflowers, bird and bat boxes, trees and hedging)
- Tree and hedgerow replacement
- Provision of a Construction Environmental Management Plan (CEMP) – cover all phases of construction to ensure protection of on-site and surrounding environments.
- Provision of a Landscape Environmental Management Plan (LEMP) – management strategy for all on-site landscaped areas to secure long term value.

269. All of the above measures are outlined in the BMEP and this Plan can and will be secured by condition.

270. With regards to stag beetles which are a 'priority species' and the comments from DWT, the BCP Biodiversity Officer has confirmed that stag beetle surveys are difficult as grubs are only found by digging up an area. One option is to dig up tree stumps that they may be associated with and relocate. However, the main way to address this species is by the creation of a new habitat and the BMEP clearly identifies 3 log piles within the proposed wildlife area to provide sheltering, hibernating and foraging opportunities for a range of wildlife including Stag Beetles. Further to this, the BMEP states;

*'Due to the legal status of Stag Beetles, immediately prior to the first stage of vegetation clearance commencing a dedicated walkover will be undertaken by a suitably experienced Ecologist. Any accessible deadwood will be identified. During the vegetation clearance in the winter months, this will be left in situ, highlighted by the Ecologist, to prevent any impacts to hibernating wildlife. During the subsequent spring vegetation clearance, deadwood (both above and below ground) will then be carefully collected by/under the full supervision of the Ecologist and relocated to the location of the future Wildlife Area (see Section 4.3.1), due to the usage of deadwood by Stag Beetles for egg laying. This will then be suitably safeguarded with fencing and information signage during*

*construction activities, and incorporated into the proposed log piles within the Wildlife Area upon its creation. This will ensure the protection of any larvae that may be present, which can occupy such habitat for many years prior to emergence as an adult specimen for breeding. During the pre-commencement survey the Ecologist will also catch, by hand, any adult Stag Beetles identified. These will be placed in a suitable container and released immediately into the retained deadwood area. The supervising Ecologist will then remain vigilant during all subsequent vegetation clearance to ensure all uncovered deadwood and any adult Stag Beetles are similarly protected'.*

271. Whilst the habitat loss on the site is being partially mitigated for on site, further off-site compensation is required. This includes;

- Approximately 932 native species whips to be planted at Bernards Mead HIPs site
- Approximately 500m<sup>2</sup> of land at Berneads Mead HIPs site will be seeded with native wildflower mix
- Grassland currently regularly managed at Berneads Mead will enter into a reduced mow regime

272. Paragraph 170 of the NPPF refers to plans and decisions minimising impacts on and providing net gains for biodiversity. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures such as habitat creation, enhancing existing habitat networks, street trees, sustainable drainage systems and installing bird and bat boxes. The following enhancement measures have been incorporated into this scheme;

- 10 bat bricks in the new buildings
- 10 swallow nest cups within eaves of properties
- 5 swift bricks in new properties
- A bee brick in each new dwelling
- A bee post within the wildlife area

273. In addition to the on-site enhancement measures, ecological enhancements will be carried out within the HIPs sites (see below). Some of these works are also considered to be part of the compensation measures for the impacts of the scheme on the area along the north western boundary on the application site. These include;

- Currently regularly managed grassland will enter into a 'reduced mow' regime
- Drainage works will increase water inundation of existing reed beds
- Planting of trees
- Native wildflower seeding

274. The proposed wildlife area along the western boundary has been revised in its length and width in response to the consultation responses. It is now 5 metres in width to the rear of properties but now extends fully along the north-west boundary and extends up to 10 metres in certain sections. It will contain bat boxes, log piles for stag beetles, native hedging and bird boxes.

275. In their most recent comments, Dorset Wildlife Trust refer to the updated wildlife area still not being of a sufficient width. However, the updated BMEP has been considered by the BCP Biodiversity Officer and it is considered that this wildlife area is sufficient and this amount of space taken together with the other mitigation and compensation strategies is acceptable.

276. Paragraph 175 of the NPPF states that;

*‘When determining planning applications, local planning authorities should apply the following principles:*

*(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons <sup>58</sup> and a suitable compensation strategy exists; and*

*(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

*Footnote (58) For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat*

277. Dorset Wildlife Trust, in their comments make reference to ensuring safeguarding is clearly in place for nesting birds in trees to be felled, as well as for roosting bats in the buildings to be demolished. The emergence surveys undertaken on the buildings did not identify any bats; however 4 trees were identified with low potential for roosting bats. The BMEP in paragraph 4.2.6 states that all mature and part mature trees that require removal will be soft felled as per the best practice guidelines associated with the protection of bats. If evidence of bats is identified during this process, a Phase II Bat Survey will be undertaken and if necessary an EPSL from Natural England would be applied for. In terms of demolition, this should as far as possible be limited to outside of the bird nesting season and if this is not possible, a Phase II Nesting Bird survey must be undertaken prior to demolition. The BMEP now refers to a 5 metre buffer zone around any active nests as suggested by DWT.

Vegetation clearance will take place between November and February to avoid the bird nesting season and if this is not all possible, a nesting bird survey would be undertaken prior to any clearance occurring and a 5 metres buffer would be in place until the chicks have fledged and the nest is no longer active.

278. Further to scrutiny of the proposals by the BCP Biodiversity Project Officer since the previous February 2020 Committee resolution, it is considered that this proposal does not result in having an adverse impact to biodiversity. The scheme incorporates adequate mitigation and compensation measures having regard to the loss of trees, hedgerows and the existing area of garden land within the site. The development does not result in the loss of irreplaceable habitats and biodiversity improvements are integrated into the scheme as outlined in previous paragraphs. With regards to the long term management of the wildlife area and the comments made by Dorset Wildlife Trust in their most recent response, a Landscape Environmental Management Plan will be secured by condition which will provide a management strategy for all on-site landscaped area to secure their long term value. It is considered to be compliant with Policy ME1 of the Core Strategy.
279. Your BCP Biodiversity Project Officer has carefully looked at this Mitigation and Enhancement Plan and they consider it to be acceptable. It is considered that with the revised BMEP secured through condition, the principles set out in paragraph 175 of the NPPF are met. This BMEP will be secured by condition.
280. There has been reference to Natural England's Standing Advice in the correspondence with the Council and representations. The NPPG states that Planning Authorities use the Standing Advice to avoid the need to contact Natural England for an individual application for each application. In this particular instance Natural England have been consulted and re-consulted on the application and have provided a detailed response. Natural England did not refer to their Standing Advice. Therefore, the Council will have regard to the bespoke responses of Natural England in determining the application.
281. Policy ME3 refers to national sustainable development standards and seeks development to incorporate carbon emissions reduction, water and energy efficiency measures. However, there is reference to the Code for Sustainable Homes and BREEAM standards, both of which are no longer applicable. The National Planning Practice Guidance states; '*The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building's sustainability to do so in a way consistent with the government's zero carbon buildings policy and adopt nationally described standards.*' However, policy ME3 does not reflect this and therefore it is considered this policy should be given less weight and officers do not suggest insisting on a specific standard for sustainable construction.

282. Notwithstanding this, the scheme does provide environmental benefits such as through improving sustainable transport by the provision of a new bus stop, cycle routes and improved pedestrian crossings into the town centre and neighbouring green spaces. A travel plan will also be secured to encourage future occupiers to reduce their reliance on the car. There is investment into three areas of publically accessible green space and biodiversity enhancements on the site and within the three HIPs. The scheme would allow for energy efficiency measures to be incorporated and the applicant is encouraged to go beyond the standards as set out in Part L of the Building Regulations.

### **Trees and Soft Landscaping**

283. A number of trees are being removed from the site to facilitate the development. In terms of Tree Preservation Orders, there is a blanket TPO over the parcel of land adjacent to the north west boundary and a number of protected trees across the site including a cherry (T50) and sycamore (T51) close to the south west boundary; a Norway maple (T11) on the north eastern boundary; and a sycamore (T21) and yew (T25). The majority of the trees being removed are category C trees and include apples, cherry, sycamore, Monterey pine, an oak and wingnut. The arboricultural impact assessment submitted with the application has fully assessed all the trees on the site.

284. There are no in-principle objections from the BCP Council's Tree Officer; however concerns have been raised with regard to the proximity of a number of the trees to the proposed buildings and the potential for future conflict between the trees, their canopies and future occupiers.

285. Tree 21 (Sycamore) is adjacent to Block B. The part of the building that would be adjacent to the tree is mainly a communal corridor. At ground floor level, Flat 8 is a 2-bed unit. One of the 2 bedrooms (Bed 1) would have an aspect towards the tree but all other rooms would have unhindered outlook and light ingress so it is not considered that any unreasonable effects would be encountered that would justify an application for future tree works. At 1st floor level Bed 1 for Unit 17 is dual aspect, and the bathroom is not a habitable room. At 2nd floor there are no windows on that elevation.

286. Tree 25 (Yew) is due north of the corner of Block C and would not therefore create any shadowing for that property, nor be a significant presence in the outlook from the homes within it. Within Block C, the ground floor is parking. The 1st and 2<sup>nd</sup> floor accommodation will enjoy light penetration from multiple aspects so there is limited concern that any concern from future residents would justify subsequent tree works.

287. Tree 50 (cherry) appears to be well spaced from the dwellings around it and would provide an attractive feature in the outlook from them. It is considered that the front aspect of units 30 and 31 would not be adversely

affected by the presence of this tree and given its position outside of any private amenity areas it would be under limited pressure for future work.

288. It is also considered that the proposed planting does not include sufficient native or appropriate species. However, the applicant has agreed that alternative native species plants can be introduced into the landscaping scheme. The existing ginkgo trees are being retained around the edge of the fountain roundabout and it is proposed that a few more are planted closer to the Bargates frontage. The BMEP identifies that the loss of all category B trees will be mitigated by replacement planting, which equates to 52 trees. Whilst the existing hedgerow along the northern edge of Bargates car park will be removed, it is proposed to plant approximately 310m of mixed, native species hedgerow around the boundaries.

289. The overall soft and hard landscaping is vital for this development in order to achieve a valuable piece of townscape that makes a positive contribution to the wider urban environment. Notwithstanding the submitted details, further landscaping details and the future management of the site will be secured by condition. The development is considered to be acceptable with regards to the relationship of built form with the mature trees on site and is therefore compliant with policy ME1. Natural features on the site including the trees, hedgerows and wildlife area have been taken into account in this proposal (policy HE3). The NPPF in paragraph 170 highlights the wider benefits of natural capital such as trees and this proposal whilst resulting in the loss of some trees on the site, provides the opportunity for additional planting which will enhance the new development and environment within this urban area.

### **Dorset Heathlands**

290. The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

291. The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM).

292. The provision of SANGS (Suitable Alternative Natural Greenspace) is one of the key tools in mitigating the adverse impacts of development on the Dorset Heaths. For major developments over 40 dwellings (as stated in the CIL Charging Schedule) it is expected that SANGS will be provided on site and this is

emphasised in Policy ME2 which states; 'it is expected that the provision of SANGS will form part of the infrastructure provision of that site'. In this specific case given that this is an urban brownfield site close to the town centre, there is limited opportunity to provide the SANG on site. However, it has been agreed with the applicant, Natural England and the Council that this development can provide for 3 HIPs (Heathland Infrastructure Projects) in lieu of a SANG. The 3 sites will provide enhanced recreational opportunities for residents of the proposed development and existing residents in the local area. The enhancement and long term management of the three sites will provide alternatives to the Dorset Heathlands for new residents.

293. **Milhams Common** – This existing 'Access Land' as defined under the Countryside and Rights of Way Act 2000 is also subject to Commoners' grazing rights. It is sited adjacent to the Waitrose public car park and the A35 bypass. There is existing pedestrian access from the end of Beaconsfield Road. The total area is 3.5ha and is 300m from the application site. The site consists of wet grassland adjacent to the River Avon. The River Avon and Avon Valley is designated as a SSSI, SAC and Ramsar and also forms part of a SPA. It is within the ownership of BCP Council but is currently underused given the poor access and lack of information and signage explaining its status.
294. It is proposed to enhance access to the site with a new access point from the footpath adjacent to the A35 and the planning application for this new gate and access point onto the land (reference 8/19/1376) was approved by Planning Committee and the decision issued on 06/05/2020. In addition, information signage will be installed at the access points outlining the walking routes and the code of conduct. A mown grass footpath around the perimeter of the site will be created along with two benches and a new mixed waste bin will be positioned within the car park. The management of the HIP will be based upon continued livestock grazing as is currently undertaken and given its existing status as publically accessible land, the proposed changes are not considered to impinge on the Commoners' grazing rights. Natural England have stated that the proposals for this land are complimentary to its designation as Common Land by enabling better access for local people.
295. It is recognised that this site does become flooded as it acts as the floodplain. Natural England does not consider that the natural function of the land as part of the floodplain acts as a barrier to its effectiveness as a HIP. Officers are also of the view that this land for most parts of the year remains accessible and provides an acceptable alternative for people to visit rather than the Dorset Heathlands.
296. **Berneads Mead** – This existing is located to the north west of the application site and is within 1.4km walking distance. The River Stour runs along the western boundary and it consists of amenity grassland which is already subject to regular management. There is an existing footpath running from the southern end of the site. The surveys have confirmed that this site is well used, predominantly for dog walking.



297. As part of the enhancement of this space, visitor signage will be installed at two of the access points into the site with 1.45km of hoggin pathway created. An undulating dog training/play area and a dedicated dog access point into the river will be installed and two mixed waste bins will be positioned at two of the entrances.
298. **Land off the Meridians** – this proposed HIP is an area of existing public open space 670m south west from the application site. The River Stour runs along 3 of its boundaries and it consists of managed dry amenity grassland in the north and west grassland and scrub in the centre and south. There is a grassed circular footpath and a small 6 space capacity car park. The visitor survey suggested low usage with local people using it to exercise their dogs.
299. The proposals for this space including re-surfacing the access track and car park and the car park extended to provide 3 additional spaces. A cycle parking facility would be installed and the pathways improved to allow improved access. Information signage will be included, the provision of a mixed waste bin and stone boulders will be positioned to provide seating along with a carved wooden otter sculpture to provide a focal point for the site.
300. The financial contribution associated with all elements of the HIP site delivery is £700,000.00 which has been agreed with the Applicant, BCP Council and Natural England. The contribution, proposals and long term management of the three HIPs (80 years) will be secured via the s106 agreement. BCP Council will be responsible for delivering the capital works as set out in the HIPs document; however some flexibility will be written into the Legal Agreement to allow any required updates and changes to the proposed strategy.
301. BCP Council as the 'Competent Authority' under the Habitat Regulations has carried out an Appropriate Assessment to determine whether the development will result in significant adverse impacts upon European designated sites. It has been established that with the provision of the HIPs and their long term management and the SAMM payment secured through the S106 agreement, the proposed development would not result in significant increases in pressure on the integrity of the Dorset Heathlands. Consideration has also been given in the Appropriate Assessment to the specific impact on Milhams Common which is designated in its own right. The proposed works to this land are not considered to significantly affect the integrity of this area which is SSSI, SAC and Ramsar and which also forms part of the Solent SPA.
302. The current application is recommended for approval subject to the completion of a S106 to secure the £700,000 contribution for the HIPs and their management and also the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This SAMM contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With this mitigation secured the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

## Summary

303. The proposal, by virtue of the quality of the scheme, would result in a development with significant benefits to the character and appearance and setting of the Conservation Area and the town centre. It would provide considerable economic and potentially cultural benefits in a sustainable, accessible central location. It will contribute a significant number (169 dwellings) towards the BCP five year housing land supply. The proposal is in line with the density guidance in the Magistrates Court Site Development Brief. It is considered that the proposal optimises the development potential of the site taking into account the existing built form and density levels in Christchurch Town Centre and thus represents an effective and efficient use of land in line with the NPPF. The market and affordable housing mix is broadly in line with the Eastern Dorset SHMA. The proposal provides an Affordable Housing contribution compliant with local and national guidance. Whilst the affordable tenure mix does not strictly comply with the SHMA, BCP Housing Officer considers the mix to be acceptable.
304. The Council has secured the following contributions to provide mitigation and benefits to the overall area;
- 31% affordable housing (53 dwellings)
  - **£251,966.40** for secondary education
  - **£700,000** financial contribution for the provision and management of 3 HIPs allowing for improved access to existing open spaces within the area
  - Provision of bus stop and highway improvements on Barrack Road
  - 3 Pedestrian crossings
  - **£25,000** for additional surveillance cameras
  - Cycle path around Barrack Road and Fountain roundabout

## Planning Balance

305. In the absence of relevant up to date development plan policies, given the lack of a five year housing land supply, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal.
306. The social benefits of allowing this development is the significant contribution of 169 homes to the housing land supply, including 53 affordable units. A mix of 1, 2, 3 and 4 bedroom units would be provided within a town centre location on a brownfield site which has been identified for development since 2003. The area of land outside of the allocation is still within the town centre area for Christchurch and under policies KS2, KS7 & CH1 of the Local Plan it is in an area where high density residential development is promoted.

This is coupled with investment into the HIPs, which will be a benefit not just to the future occupiers of the site but to the wider general public. Economically, the construction phase will result in employment opportunities and the investment into the commercial premises is considered to improve the viability and vitality of the town centre. The improved pedestrian links from the High Street to the other side of Fountain roundabout will encourage people to access this site and Bargates which offers further retail opportunities and economic and social benefits in improving linkages across the town centre.

307. The above benefits are weighed against the potential adverse impacts of the proposal. The development of the gardens and space to the rear of 46 and 47 Bargates will result in the loss of an overgrown area and a number of category B and C trees will be felled to facilitate the development. Whilst BCP Highways have no objections to the scheme, the representations have clearly shown there are strong concerns around the loss of public parking. This issue is addressed in paragraphs 281 to 291 and the preceding Council has already mitigated the impacts of the loss of the public car parking in other sites across the town centre.
308. The loss of the former closed Public House, The Goose and Timber is a potential negative; however this development would result in substantial public benefits that outweigh the removal of this building. By re-developing this site and creating much needed housing and in particular a proportion of affordable housing as well as attracting investment into the town with the commercial premises it is considered the loss of the Goose and Timber public house can be justified.
309. It is considered that an education contribution can be reasonably secured as part of the development. A contribution of **£251,966.40** has been agreed with the applicant and this contribution will be towards secondary provision across a number of schools in the pupil place planning area. A lower education contribution in this case is not considered to outweigh the benefits of the redevelopment of this key strategic site.
310. Having had regard to the significant number of representations and the advice of the various consulted parties, Officers consider that the benefits of the scheme significantly and demonstrably outweigh the identified impacts. It is clear there are some weaknesses with the scheme in that it does not fully comply with all of the HQI's referred to in Policy LN1. However, a technical failure against this policy is not considered to override the benefits of the scheme. It is recognised that the development provides a smaller proportion of retail floorspace than would be expected given the requirement of 9,800sqm of comparison and convenience floorspace required for the whole of the town centre as set out in policy CH1. However, overall, the proposal represents sustainable development, which accords with National Planning Policy Framework and the Local Development Plan when taken as a whole, and as such approval is recommended subject to completion of a suitable worded

S106 agreement. Even if the proposal were not found to comply with the development plan as a whole the recommendation would remain to grant planning permission given the lack of 5 year housing land supply tilts the balance in favour of the scheme as set out in paragraph 116.

311. This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other materials considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal.

## **RECOMMENDATION**

312. **A) GRANT permission with the following conditions and completion of a Section 106 Agreement, which are subject to alteration/addition by the Head of Planning provided any alteration/addition does not go to the core of the decision.**

313. Section 106 Agreement Heads of Terms:

- 31% (53 units) of affordable Housing including affordable rented, intermediate and home ownership.
- HIPs financial contribution of £700,000 and HIPs management plan
- Heathland SAMM contribution of £50,711 plus administration fee
- £251,966.40 contribution for secondary education within Pupil place planning area
- £25,000 financial contribution for re-positioning and additional Surveillance cameras
- Land to be given over for highway adoption with those areas identified on a plan (roads including on-street parking bays, road turning areas, footways and cycleways).
- Toucan crossing across Barrack Road adjacent to the Fountain roundabout
- Double pedestrian crossing across Barrack Road adjacent to the Fountain roundabout
- Toucan crossing across Bargates adjacent to the Fountain roundabout
- £14,000 - 2 x Vehicle Activated Signs
- Bus stop, shelter and associated works, including Real Time Information on Barrack Road

- £10,000 - Traffic Regulation Orders – Legal fees, signage and road marking, “No right turn” orders for accesses off Barrack Road, parking restrictions and on-street parking bays within the site and Beryl bike scheme parking bays.
- Residential Travel Plan
- S278 agreement for works to the highway
- Permissive route for pedestrians and cyclists to rear of Block A linking Bargates to Barrack Road.
- Highway Phasing Strategy based on Phasing Plan ASP.16.014.002.11 to include the following:
  - New Toucan crossing across Barrack Road adjacent to the main residential vehicle access – to be delivered prior to occupation of any unit within either Phases 1,3 or 4
  - New double Pedestrian crossing across Barrack Road adjacent to the Fountain Roundabout – to be delivered prior to occupation of or bringing into operation any unit within the Phase 2
  - New Toucan crossing across Bargates adjacent to the Fountain Roundabout - to be delivered prior to occupation of any unit within either Phases 2,3 or 4
  - New Bus stop and shelter, with Real Time Information, on Barrack Road - to be delivered prior to occupation of any unit within either Phases 1,3 or 4
  - A vehicle proof barrier/feature in the centre of Barrack Road to prevent right turn into the rear car park area of Phase 2 – to be delivered prior to occupation of or bringing into operation any unit within the Phase 2
  - Widened footway to provide a shared cycle/footway along the Barrack Road/Fountain Roundabout frontage of the site – the total length of widened footway/cycleway bounding each phase shall be delivered prior to occupation of any unit within that phase.

## **CONDITIONS**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

ASP.16.014.001.1 Location Plan  
ASP.16.014.001.2 B AMENDED Block Plan  
ASP.16.014.002 G AMENDED Proposed Site Plan  
ASP.16.014.002.1 E AMENDED Key Plan  
ASP.16.014.002.2 D AMENDED Tenure Plan  
ASP.16.014.002.3 D AMENDED Heights Plan  
ASP.16.014.002.5 D AMENDED Boundary & Hard Landscaping Plan  
ASP.16.014.002.6 D AMENDED Materials  
ASP.16.014.002.8 C AMENDED Parking Layout  
ASP.16.014.002.11 Phasing Plan

ASP.16.014.100 B AMENDED Proposed Plans - Terrace A  
ASP.16.014.101 A AMENDED Proposed Roof Plan - Terrace A  
ASP.16.014.102 A AMENDED Proposed Elevations - Terrace A  
ASP.16.014.103 A Floor Plans Units 5 - 8 (Terrace B)  
ASP.16.014.104 Roof Plan Units 5 - 8 (Terrace B)  
ASP.16.014.105 Elevations Units 5 - 8 (Terrace B)  
ASP.16.014.106 C AMENDED Proposed Plans - Terrace C (Ground Floor)  
ASP.16.014.107 C AMENDED Proposed Plans – Terrace C (First Floor)  
ASP.16.014.108 B AMENDED Proposed Plans – Terrace C (Second Floor)  
ASP.16.014.109 B AMENDED Proposed Plans – Terrace C (Roof Plan)  
ASP.16.014.110 C AMENDED Proposed Elevations –Terrace C (Front (NE) & Side (SE))  
ASP.16.014.111 C AMENDED Proposed Elevations – Terrace C (Rear(SW) & Side (NW))  
ASP.16.014.112 D AMENDED Proposed Plans Terrace D (Ground & First Floor)  
ASP.16.014.113 C AMENDED Proposed Plans - Terrace D (Second Floor & Roof)  
ASP.16.014.114 D AMENDED Proposed Elevations – Terrace D (Front (SW) & Side (NW) & (SE))  
ASP.16.014.115 D AMENDED Proposed Elevations – Terrace D (Rear (NE) & Side (SE) & (NW))  
ASP.16.014.125 A AMENDED Proposed Elevations - Terrace F (Rear (SE) & End (SW))  
ASP.16.014.116 C AMENDED Proposed Plans - Terrace E (Ground Floor)  
ASP.16.014.117 B AMENDED Proposed Plans – Terrace E (First Floor)  
ASP.16.014.118 A AMENDED Proposed Plans - Terrace E (Roof)  
ASP.16.014.119 A AMENDED Proposed Elevations - Terrace E (Front (NW) & Side (NE))  
ASP.16.014.120 A AMENDED Proposed Elevations – Terrace E (Rear (SE) & Side (SW))  
ASP.16.014.121 C AMENDED Proposed Plans –Terrace F (Ground Floor)

ASP.16.014.122 B AMENDED Proposed Plans -Terrace F (First Floor)ASP.16.014.123 A AMENDED Proposed Plans – Terrace F (Roof)  
ASP.16.014.124 A AMENDED Proposed Elevations - Terrace F (Front (NW) & End (NE))  
ASP.16.014.135 A AMENDED Proposed Elevations - Unit H Terrace (Rear (NE) & Side (SE))  
ASP.16.014.126 D AMENDED Proposed Plans - Terrace G (Ground Floor)  
ASP.16.014.127 B AMENDED Proposed Plans - Terrace G (First Floor)  
ASP.16.014.128 A AMENDED Proposed Plans - Terrace G (Roof)  
ASP.16.014.129 A AMENDED Proposed Elevations – Terrace G (Front (SW) & Side (NW))  
ASP.16.014.130 A AMENDED Proposed Elevations – Terrace G (Rear (NE) & Side (SE))  
ASP.16.014.131 C AMENDED Proposed Plans – Terrace H (Ground Floor)  
ASP.16.014.132 B AMENDED Proposed Plans - Terrace H (First Floor)  
ASP.16.014.133 A AMENDED Proposed Plans - Terrace H (Roof)  
ASP.16.014.134 A AMENDED Proposed Elevations - Terrace H (Front (SE) & Side (NW))  
ASP.16.014.136 C AMENDED Proposed Plans - Terrace I (Ground Floor)  
ASP.16.014.137 A AMENDED Proposed Plans – Terrace I (First Floor)  
ASP.16.014.138 A AMENDED Proposed Plans -Terrace I (Second Floor)  
ASP.16.014.139 A AMENDED Proposed Plans - Terrace I (Roof)  
ASP.16.014.140 B AMENDED Proposed Elevations – Terrace I (Front (NE) & Side (NW))  
ASP.16.014.141 B AMENDED Proposed Elevations – Terrace I (Rear (SW) & Side (SE))  
ASP.16.014.142 B AMENDED Proposed Plans - Terrace J (Ground & First Floor)  
ASP.16.014.143 A AMENDED Proposed Plans - Terrace J (Second Floor & Roof)  
ASP.16.014.144 B AMENDED Proposed Elevations - Terrace J (Front (SW) & Side (SE))  
ASP.16.014.145 B AMENDED Proposed Elevations - Terrace J (Rear (NE) & Side (NW))  
ASP.16.014.146 C AMENDED Proposed Plans - Terrace K (Ground & First Floor)  
ASP.16.014.147 B AMENDED Proposed Plans - Terrace K (Second Floor & Roof)  
ASP.16.014.148 B AMENDED Proposed Elevations – Terrace K (Front (SE) & Side (SW))  
ASP.16.014.149 B AMENDED Proposed Elevations - Terrace K (Rear (NW) & Side (NE))  
ASP.16.014.151 C AMENDED Proposed Elevations - Unit 14 (All)

ASP.16.014.200 B AMENDED Block A Proposed Ground Floor Plan  
ASP.16.014.201 B AMENDED Block A Proposed First Floor Plan  
ASP.16.014.202 B AMENDED Block A Proposed Second Floor Plan  
ASP.16.014.203 B AMENDED Block A Proposed Third Floor Plan  
ASP.16.014.204 B AMENDED Block A Proposed Roof Plan  
ASP.16.014.205 D AMENDED Block A - Proposed Elevations - Sheet 1  
ASP.16.014.206 D AMENDED Block A Proposed Elevations 2  
ASP.16.014.300 B AMENDED Block B Ground Floor Plan  
ASP.16.014.301 A Block B First Floor Plan  
ASP.16.014.302 A Block B Second Floor Plan  
ASP.16.014.303 A Block B Third Floor Plan  
ASP.16.014.304 B AMENDED Block B Roof Plan  
ASP.16.014.305 C AMENDED B - Proposed Elevations- Sheet 1  
ASP.16.014.306 B AMENDED Block B Elevations Sheet 2  
ASP.16.014.400 C AMENDED Block C Proposed Ground Floor Plan  
ASP.16.014.401 A Block C Proposed First Floor Plan  
ASP.16.014.402 A Block C Second Floor Plan  
ASP.16.014.403 A Block C Third Floor Plan  
ASP.16.014.404 B Block C Roof Plan  
ASP.16.014.405 C AMENDED Block C - Proposed Elevations - Sheet 1  
ASP.16.014.406 B AMENDED Block C Elevations - Sheet 2  
ASP.16.014.500 A Car Ports  
ASP.16.014.501 A Car Ports  
ASP.16.014.502 A Car Ports D  
ASP.16.014.600 B AMENDED Materials Key Sheet 1 - Block A  
ASP.16.014.601 B AMENDED Materials Key Sheet 2 - Block A  
ASP.16.014.602 B AMENDED Materials Key Sheet 1 - Block B  
ASP.16.014.603 A Materials Key Sheet 2 - Block B  
ASP.16.014.604 C AMENDED Block C - Key Sheet 1  
ASP.16.014.605 C AMENDED Block C Key Sheet 2  
ASP.16.014.606 Header Detail Sheet  
ASP.16.014.607 A AMENDED Brick Detail Sheet  
ASP.16.014.700 A AMENDED Existing Cross Section Retaining Wall  
ASP.16.014.701 A AMENDED Proposed Cross Section Retaining Wall  
ASP.16.014.702 New Retaining Wall and Buttress Details  
ASP.16.014.800 Sub-Station Plans and Elevations  
5742-03-AC-10 G Lower Ground Floor Plan Block R (A)  
5742-03-AC-11G - Ground Floor Plan Block R (A)  
5742-03-AC-12G - First Floor Plan  
5742-03-AC-13F - Second Floor Plan Block R (A)  
5742-03-AC-20F -East and West Elevations Block R (A)  
5742-03-AC-21 F Age Restricted Housing South and North Elevations  
Block R (A)  
5742-03-AC-15G – Block R (B) Ground Floor Plan  
5742-03-AC-16F – Block R (B) First Floor plan



5742-03-AC-17G - Block R (B) Second Floor Plan  
5742-03-AC-18E - Block R (B) Roof Plan  
5742-03-AC-23G Block R (B) East and west Elevations  
5742-03-AC-24G -- Block R (B) North and South elevations  
5742-03-AC-27-B Site Section

15-167/SK005 C Preliminary Site Levels  
15-167-016 C AMENDED Proposed Foul Water Drainage Strategy  
15-167-015 D AMENDED Soakaway Catchment Areas  
15-167-007 G AMENDED Proposed Surface Water Drainage Strategy  
747\_LANDP000\_rev08 Landscape Plan  
747\_LANDP001 6 AMENDED Residential and Shared Landscape Scheme  
747\_LANDP002 5 AMENDED Retirement and Affordable  
747\_LANDP003 6 AMENDED Block B & C rear landscape scheme  
747\_LANDP004 6 AMENDED Services & Retail Rear Landscaping scheme  
15-167/012G Proposed Site Access Arrangements  
15-167/022G Highway Improvements  
15-167/SK008C Location of Casual Visitor Parking

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

3. The 39 sheltered apartments in Block R as shown on the approved plan shall only be occupied by persons of age 55 years or over.

Reason: The education contribution has been assessed on the above grounds.

4. Other than those required for the erection of tree protection, before any equipment, materials or machinery are brought onto the site for each phase of development (as identified by Phasing Plan ASP.16.014.002.11), a pre-commencement site meeting between the Tree and Landscape Case Officer and Site Manager shall take place to confirm the methods of protecting those trees that are proposed to be retained on and adjacent to the site during development in accordance with the arboricultural assessment and method statement ref: 17301-AA5-PB, dated 20/09/19 and Tree Protection Plan ref: 17301-BT6.

The tree protection as confirmed at the meeting and in writing by the Local Planning Authority shall be put in place prior to commencement of development for each phase of development and retained until the relevant phase and adjacent phase of development is completed. Nothing

shall be placed, nor shall any ground levels be altered or excavations made, within the tree protection zones fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This meeting is required prior to commencement of development in the interests of tree protection.

5. Before any development takes place on the site (excluding demolition), a scheme indicating the phasing of all the proposed highway works on and off the site in connection with the phased completion of the residential units and commercial premises shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing scheme.

Reason: To ensure the highway works are implemented in accordance with the development of the site and made available prior to the completion of the unit.

6. No development shall take place on each phase of the development, as identified by the approved Phasing Plan (ASP.16.014.002.11) including any works of demolition, until a Construction Method, Access and Environmental Management Plan in relation to that Phase has been submitted to, and approved in writing by, the local planning authority.

The approved CMAEM Plan shall be adhered to throughout the demolition and construction period. The above Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. If applicable, method for demolition, including timing and a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This information is required prior to commencement to safeguard the amenity of the locality.

7. Prior to the commencement of development (including demolition) a scheme on any individual phase of the development hereby approved, as identified by the approved Phasing Plan (ASP.16.014.002.11), shall be submitted to the Local Planning Authority to deal with potential contamination of the land within that phase. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):
- (a) A Preliminary Risk Assessment (site history report), which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas, and site reconnaissance to produce a conceptual site model and preliminary risk assessment.
  - (b) A Field Investigation (site investigations) and Detailed Quantitative Risk Assessment (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.
  - (c) Before any works commence on the relevant phase should (in the opinion of the Local Planning Authority) investigation works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for written approval.
  - (d) Where contamination is found in the relevant phase which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Strategy for that phase, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to and approved in writing by the Local Planning Authority.
  - (e) No development shall occur until the measures approved in the remediation strategy have been implemented in accordance with the remediation statement to the satisfaction of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development on that phase other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

(f) If, during works on a phase contamination is encountered within that phase which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation strategy submitted to and approved in writing by the Local Planning Authority.

(g) On completion of all the works detailed in the agreed Remediation Strategy for a phase, a Remediation Verification Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions and they have been carried out to the point of completion. This report must be submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required prior to commencement to safeguard the amenity of the locality and future residents.

8. No development above DPC (damp proof course) of any building hereby permitted shall take place until samples of all materials and finishes to be employed on the external faces of that building shall have been submitted to and approved in writing by the Local Planning Authority. Further to this, panels of the brickwork for Blocks A, B and Ra and Rb shall be erected on the site for the inspection of the Authority, this panel to be made at least ten courses high and in a manner that illustrates the style envisaged for the jointing and its colour. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To protect the visual amenities of the townscape and the character and appearance of the Conservation Area.

9. Notwithstanding the submitted plans, no development within any individual phase as shown on the approved Phasing Plan (ASP.16.014.002.11) above DCP (damp proof course) shall take place until full details of both hard and soft landscape works within that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

All hard and soft landscape works shall be carried out in accordance with the approved details for that phase. The hard landscaping works shall be carried out prior to the occupation of any part of the development within that phase and the soft landscaping within the first planting season following completion of the development within that phase or the first occupation of any unit within that phase, whichever is the sooner. Any planting found damaged, dead or dying in the first ten years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the long term establishment, maintenance and landscaping of the site which is necessary to preserve the amenity of the site and the wider townscape.

10. No development above DPC shall take place within any individual phase identified in the approved Phasing Plan (ASP.16.014.002.11) until a Landscape Environment Management Plan covering that phase has been submitted to and approved in writing by the Local Planning Authority. The Plan must include a long term management strategy for all on site landscaped areas within that phase and will cover trees, hedges, wildflower areas, bat and bird boxes, log piles and bee posts. The development of each phase shall be carried out in accordance with the approved details.

Reason: To protect and manage the soft landscaped areas and promote to biodiversity within the local environment.

11. Prior to commencement of development (excluding demolition) for each phase identified on the Phasing Plan (ASP.16.014.002.11) full plans and particulars showing the final siting of the services and soakaways for that phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

Reason: To ensure that protected trees, their rooting environments are afforded adequate physical protection during construction.

12. Upon completion of the top coat of the full length of the internal road between Barrack Road and Bargates, the planters as shown on the approved plans (or any other highway feature as agreed in writing by the Local Planning Authority) shall be put in place and retained as such so as to prevent the passage of motorised vehicles.

Reason: In the interests of highway safety.

13. All highways within the development hereby approved shall be constructed to an adoptable BCP standard. Prior to the commencement of any highway works within any phase of the development as identified on the

approved Phasing Plan (ASP.16.014.002.11), full details and specifications of construction, materials, drainage, street furniture and lighting associated with roads, footways, parking areas, pedestrian routes and the first 6m of any vehicle access shall be submitted to and approved in writing by the Local Planning Authority. Development of each phase shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of highway safety

14. Prior to the occupation or operation within any individual phase as identified on the approved Phasing Plan (ASP.16.014.002.11), a Parking and Service Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include where necessary and appropriate details of; phasing of the car parking implementation, provision of disabled parking for the commercial units, servicing of the commercial units by delivery vehicles and details of all cycle parking. Development of each phase shall be carried out in accordance with the approved details.

Reason: In order to minimise long term commuter parking within the development, to ensure parking is delivered in accordance with the associated phases of development being brought into operation, to encourage cycling as a sustainable mode of transport and to ensure efficient and safe servicing of the commercial units.

15. Prior to the occupation or operation of any individual phase as identified on the approved Phasing Plan (ASP.16.014.002.11) details of a scheme to amend/remove existing electronic car park signage associated with the existing Bargates and Pit Site pay and display car parks shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the provision of appropriate safe access is provided to each phase of development prior to occupation of that phase.

16. No works shall take place (excluding demolition) within individual phase of the development hereby permitted as identified on the approved Phasing Plan (ASP.16.014.002.11) until the applicant has secured the implementation of a programme of archaeological work in respect of that phase in accordance with a written scheme of investigation in accordance with the Bournemouth Archaeology document 'Archaeological Evaluation' which has been submitted and approved in writing by the Local Planning Authority (or the Local Planning Authority has confirmed that no such scheme is required for that phase). This scheme shall cover archaeological fieldwork together with post-excavation work and

publication of the results. All works for each phase shall be carried out in accordance with the approved details.

Reason: To protect the archaeological interests of the site.

17. No development (excluding demolition) shall take place within each phase identified on the approved Phasing Plan (ASP.16.014.002.11) until a detailed surface water management scheme for that phase, which (dependant on Ground Water monitoring) accords with the following documents and includes how surface water will be managed during construction of that phase, has been submitted to and approved in writing by the Local Planning Authority:

Proposed Surface Water Strategy – Odyssey – Rev G (15.01.2019[2]) – Ref No: 15-167/007

Flood Risk Assessment (FRA) & Drainage Strategy (DS): Rev B (30/10/2018) – Ref No: 15-167

Letter: Re: Infiltration testing - From Craig Pennel (T&P Regen) to Daniel O'Shea (Drew Smith Group) – 12/07/2019 – Ref No: CS/J/0134\_CP\_DO

Drawing: Soakaway Catchment Areas – Odyssey – Rev D (20/09/2019) – Ref No: 15-167/015

The Scheme must be based upon the hydrological and hydrogeological context of the development and includes clarification of how surface water is to be managed during construction. The surface water management scheme for each phase shall be fully implemented in accordance with the approved details before the phase is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

18. No development shall take place (excluding demolition) within any individual phase as identified on the approved Phasing Plan (ASP.16.014.002.11) until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system in relation to that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the each phase, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime in respect of each phase.

REASON: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

19. Notwithstanding the submitted lighting scheme on plan 100005.1300.001 P01, no development above DPC (damp proof course) within any individual phase as identified on the approved Phasing Plan (ASP.16.014.002.11) shall take place until full details and phasing of a lighting scheme for the phase shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme for each phase shall be carried out in accordance with the approved details and phasing and thereafter retained unless prior written agreement is given by the Local Planning Authority.

Reason: In the interests of amenity, design, highway safety and ecological interests.

20. The development of each phase hereby approved as identified on the approved Phasing Plan (ASP.16.014.002.11) shall be carried out in accordance with the Biodiversity Mitigation and Enhancement Plan (BMEP) dated 28/08/20 and the Summary of Mitigation Proposals received on 03/02/2020. Thereafter the approved mitigation measures within each phase shall be permanently retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of securing biodiversity mitigation and benefits as part of the scheme.

21. The development of each phase hereby approved as identified on the approved Phasing Plan (ASP.16.014.002.11) must be built to the specifications set out in the Noise Impact Assessment - Technical Report: R7574-1 Rev 0 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

22. There shall be no deliveries or waste collection from and to the commercial units within Block A as shown on the approved plans outside of the hours 19:00h to 07:00h every day of the week.

Reason: In the interests of residential amenity

23. Notwithstanding the submitted plans, prior to the commencement of development (excluding demolition) of each individual phase of development as identified on the approved Phasing Plan (ASP.16.014.002.11) the existing and proposed ground levels on the site



and finished floor levels of all the buildings within that phase (related to ordnance datum or fixed point within the site) shall be submitted to and approved in writing by the Local Planning Authority. All works within each phase shall be undertaken in strict accordance with the details as approved.

Reason: To protect the buildings from flood risk.

Informatives;

1. Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

2. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

3. The applicant has provided a S106 dated (to be confirmed) to secure the Head of Terms as set out in this report.

**B) If the section 106 legal agreement in recommendation A) above is not completed in accordance with the Heads of Terms the application shall be refused.**

**Background Papers**