

## PLANNING COMMITTEE



Application Address	<b>Former MCA Training Centre, Steamer Point, Christchurch</b>
Proposal	Demolition of existing buildings and erection of 26 residential units comprising houses and apartments, associated car parking, landscaping and associated works
Application Number	8/19/1172/FUL
Applicant	Pennyfarthing Homes Ltd.
Agent	Savills UK Ltd
Date Application Valid	05/09/2019
Decision Due Date	13/11/2019
Extension of Time Date (if applicable)	18/02/2021
Ward	Mudford, Stanpit & West Highcliffe
Report status	Public
Meeting date	18/03/2021
Recommendation	<p><b>Delegate to the Head of Planning to secure the completion of a s106 Legal Agreement to secure;</b></p> <ul style="list-style-type: none"> <li><b>a) Affordable housing;</b></li> <li><b>b) Heathland mitigation;</b></li> <li><b>c) Ecology mitigation contributions</b></li> <li><b>d) The provision of smart glass to the identified openings;</b></li> </ul> <p><b>And then Grant subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision</b></p>

Reason for Referral to Planning Committee	<p>The application is referred to committee at the request of Councillor Brooks on the following grounds;</p> <ul style="list-style-type: none"> <li>• A 4-storey apartment block in this location is contrary to Planning Policy ENV9 and;</li> <li>• The proposed development would be detrimental to the adjoining Steamer Point Nature Reserve</li> </ul> <p>In addition, a total of 152 letters of objection have been received in respect of the application, exceeding the trigger for referral of applications to Committee identified by the Council's Constitution</p>
Case Officer	Kim Bowditch

### Description of Development

1. Consent is sought for the redevelopment of the site with a total of 26 residential units comprising; 17 flats and 9 houses, together with car-parking facilities, storage structures and landscaping.
2. The submitted plans show the layout of development to provide; a four storey block of flats occupying a position within the south-east section of the site, with parking facilities to the north and north-west; the two- and three-storey houses (5 detached, 4 semi-detached) would be located to the west of the apartment building, extending across the central and western quadrant of the land. Access is from Penny Way to the western edge of the site. This is a dead-end road otherwise serving the Steamer Point public car park
3. The distinctive design of the flat roofed apartment building incorporates a significant number of curved elements with substantial areas of glazing, balconies and roof terraces providing design detailing reflective of an Art Deco pastiche.
4. Parking facilities serving the apartment building would be open, with flat roofed storage buildings, the design form of which would reflect that of the flats block, constructed to the north and west of the spaces, screening the parking area from established dwellings. Dustbin storage facilities would be enclosed within a structure at the southern extent of the parking area
5. The design of the five detached and two pairs of semi-detached, dwellings is contemporary, creating a distinct contrast to the apartment building and comprises two and three storey, flat roofed and three storey pitched roof, units. These are set within individual curtilages. The southern units front onto the footpath linking Penny Way into the Steamer Point Local Nature Reserve.
6. The scheme involves removal of a number of trees within the site and siting of the proposed buildings around the trees shown to be retained. Landscaping proposals extend across the site but would primarily focus planting around the apartment building and the area to the south and east of the proposed development.

## Planning Policies

### Relevant policies from the Development Plan

7. KS1: Presumption in favour of Sustainable Development  
KS2: Settlement Hierarchy  
KS11: Transport and development  
KS12: Parking provision  
HE2: Design of new development  
HE3: Landscape Quality  
HE4: Open Space Provision  
ENV9: Coastal Protection Area  
LN1: The size and type of new dwellings  
LN2: Design, layout and density of new housing development  
LN3: Provision of affordable housing  
ME1: Safeguarding biodiversity and geodiversity  
ME2: Protection of the Dorset Heathlands  
ME3: Sustainable development standards for new development  
ME6: Flood Management, Mitigation and Defence

### Other relevant planning policy

Christchurch Borough Council Local Plan (2001) – Saved Policies

- H12: Residential development
- ENV9: Coastal area
- BE16: Protection of existing views/vistas

Parking Standards Supplementary Planning Document (2021)

### National Planning Policy Framework

8. 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.
9. Paragraph 11 states; ‘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<sup>7</sup>, 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<sup>6</sup>; 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.

10. The other relevant sections are;

Section 2 Achieving sustainable development  
Section 5 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

**Supplementary Planning Documents:-**

11. Dorset Heathlands Planning Framework SPD (2015)

Affordable Housing SPD (December 2018)

**12. Relevant Planning Applications and Appeals**

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>
8/13/0443	Outline application for the erection of up to 35 dwellings (all matters reserved)	Refused 25/04/2014 Subsequent Appeal Dismissed 10/08/2015
8/14/0461	Outline application for the erection of up to 26 dwellings (revised scheme following refusal of 8/13/0443)	Refused 18/12/2014 Subsequent Appeal Allowed 10/08/2015
8/18/2987/PAM (Pre-application submission)	Redevelopment of the site with 28 dwellings (13 houses and 15 flats) including parking, access and residents' green	

**Representations**

13. A number of site notices were displayed in the vicinity of the site on 6<sup>th</sup> September 2019, a press notice was placed in the appropriate publication on the 13<sup>th</sup> September 2019 and neighbouring property owners were notified of the proposals by way of a letter dated 5<sup>th</sup> September 2019.

Following the receipt of amendments to the scheme, a further letter was dispatched to local residents on the 10<sup>th</sup> June 2020.

In response, a total of 152 letters of objection have been received opposing the application on grounds of;

- Excessive height and density of development
- Out of keeping design
- Impact on visual amenities

- Impact on trees
- Removal of trees
- Proximity of development to nature reserve
- Loss of habitat
- Contaminants
- Cliff stability
- Flood risk
- Potential impact on integrity of cliff
- Increased traffic
- Lack of affordable housing
- Impact on local services

One letter of support has been received.

Five letters of Comment have been submitted, the authors of which discuss; the need for affordable housing, the prospect of enhanced traffic using the highway and the implications for the local network, the loss of trees and the scale of development; together with a suggestion that the future use of the site is made the subject of a process of public consultation.

## Consultations

- 14. BCP Environmental Health Team** – raise no objection but seek the submission of a Construction Management Plan, should consent be forthcoming.
- 15. BCP Lead Flood Authority** – comment that the Christchurch Strategic Flood Risk Assessment identifies that the site is not at risk of coastal flooding and that there is very minor risk of surface water flooding in the eastern corner of the site. Flooding is therefore not an issue. The possibility of the presence of a culverted stream within the site is cited as having implications for the layout of development but, it is accepted that this will be difficult to determine. In the absence of land drainage details, the LFA advises that a condition be imposed requiring that any identified watercourse is managed and maintained.
- 16. BCP Tree and Landscaping Team** – raise objection to the scheme on the basis that the proposals would necessitate the removal of a significant number of individual and groups of trees the impact of which would be detrimental to the character of the area and to local habitat. Acknowledging that replanting proposals have been proposed, the officers point out that the maritime environment is hostile, diminishing the likely success of any replanting.
- 17. BCP Greenspace and Conservation Team** – following a lengthy process of discussion and amendment, the Team have resolved that the proposals are acceptable, in terms of the mitigation measures proposed with regards the impact on protected species. This is explored further in the biodiversity section below.
- 18. Environment Agency** – raise no objection subject to the imposition of conditions requiring the submission of a remediation strategy and the control of contamination, should any be found. Informative notes advising safeguards for the prevention of pollution during construction and waste management are also requested.
- 19. Natural England** - raise no objection subject to the relevant heathland mitigation being secured (in the form of a financial contribution)

20. **Christchurch Town Council** – raise objection to the proposal on the grounds that the height, bulk and scale of the apartment block would be an unwelcome and inappropriate intrusion into the existing character and skyline of the coastal location and would be detrimental to the character and appearance of the area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core- Strategy and saved policies ENV9 and H12 of the Christchurch Borough Council Local Plan 2001. The Town Council further commented that appropriate and more vigorous surveys be undertaken and that funds raised in accordance with the Community Infrastructure Levy be retained for use in the appropriate location.
21. **Highcliffe and Walkford Parish Council** – object to the application on the grounds that; the development would be out of keeping with the character of the area, particularly in terms of the scale and flat roofed design of the proposed dwellings; the inappropriate visual impact generated by the scale and position of the apartment building would result in the structure dominating the footpath, the absence of affordable housing provision, the impact of habitat, the increase in traffic and the possible increase in flood risk generated by the number of units proposed and the implications this would have for erosion.

## **Constraints**

22. Sites of Special Scientific Interest  
Local Nature Reserves  
SSSI Impact Risk Zone  
Wildlife – Invertebrates and Common Ragwort  
Heathland 5km Consultation Area  
Rights of Way  
Airport Safeguarding  
Coastal Area (Policy)  
Wessex Water Sewer Flooding  
Coastal Area (Open Spaces)  
Tree Preservation Orders- Ref: 2014 No.3 and 1983 No.43,

## **Planning Assessment**

### **Site Description**

23. The application site comprises a 1.35 hectare area of land located at the south-eastern end of Penny Way, adjoining an established residential area. The site occupies a position between a car park and access road to the west, a wooded area to the east which is designated as a Local Nature Reserve (Steamer Point LNR) and existing residential development to the north and west. To the south are coastal slopes above the beach. This area to the south is designated as a Site of Special Scientific Interest (Highcliffe to Milford Cliffs). The surrounding area to the east, south and west is also designated as an area of existing open space.
24. The site, which was last used as a training centre for the Maritime Coastguard Agency, is roughly triangular in shape and is occupied by a number of, now derelict, buildings and structures of varying height and form. There are a number of trees within the site, which offer significant screening in terms of views from the coastal path, which adjoins the southern boundary, and limited screening in terms of neighbouring residential properties. Although readily visible from the immediate, enclosing area, views of the site from the beach and coastal edge are partially restricted by the elevated position.

25. Served by a gated vehicular access off Penny Way, the site has its own parking facilities and internal highway arrangements.

### **Key Issues**

26. The principal planning issues in the assessment of the application are;

- The principle of development for residential development
- the loss of the existing facility,
- impact of on the character and appearance of the area
- affordable housing provision,
- tree and landscape implications,
- impact on biodiversity and heathland mitigation
- parking & highway safety
- impact on neighbouring living conditions,

### **Principle of development and loss of the MCA Training Site**

27. The site lies within the urban area and the redevelopment of the site is acceptable in principle under the settlement strategy in Policy KS2 which identifies the settlements which will provide the major focus for residential development and this will include infill development.
28. 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).
29. The '5 Year Housing Land Supply' document was 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.
30. Therefore, applying the guidance in paragraph 11 of the NPPF, the 'tilted balance' is now engaged and there is a presumption in favour of approving the proposals unless any harm significantly and demonstrably outweighs the benefits of the proposals.
31. The Maritime and Coastguard Agency (MCA) relocated its operational facilities to Hampshire several years ago, since which time the site has been unused and has dropped into a state of dereliction. The Inspector who allowed the

2015 appeal (para. 12 above), accepted the principle of the redevelopment of the site for residential purposes. There is not considered to be any material change in circumstances with respect to the principle of the redevelopment of the site for residential purposes in the intervening period.

32. The site lies within the area defined by saved Policy ENV9 of the 2001 Christchurch Local Plan; this policy requires that development proposals respect the dominance of the cliffs, existing development and the skyline. The Inspector in 2015 noted that development already exists within this Coastal Zone, such that as a matter of principle residential development on this site would not be at odds with the aforementioned policy. This remains the case. In addition, as this policy potentially impacts on the ability to deliver residential development within the urban area, it is one of the policies which are most important for determining the application as described in para. 11 of the NPPF and thereby the weight to be attached to this policy is affected by the tilted balance.
33. The principle of the redevelopment of the site for residential purposes remains acceptable under Policy KS2.

### **Impact on the Character of the Area**

34. The National Planning Policy Framework encourages the effective use of land within established urban areas. Policy HE2 of the Local Plan requires development to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.
35. The area immediately surrounding the site is largely made up of post-war suburban residential development. The site, is largely separated from existing residential development by the public car park and tree belt to the north and consequently is not 'read' in views from the surrounding street scenes. This allows an opportunity for a different form and character of development on the site. Moreover, in order to make effective and efficient use of the site and in order to provide a range of housing on the site, any scheme would need to be a departure from the immediately surrounding streets which are almost exclusively sizeable detached houses.
36. None of the buildings currently on the site are deemed worth of retention. However, the site is covered by an extensive Tree Preservation Order and the mature trees provide significant visual benefit to the area and in certain views appear contiguous with the adjacent nature reserve. The impacts on trees is explored in greater detail below but retention of the key trees and tree groups within the site is a critical aspect to the acceptability of any scheme in its effects on the character and appearance of the area.
37. The proposed redevelopment of the site was the subject of pre-application discussions with the Local Planning Authority (LPA) where the applicants were guided towards the current proposal of a substantial Art Deco style block of flats and contemporary style houses.
38. In this instance, the flat block in particular represents a significant departure from the design and form of established development in the immediate locality and in



the wider area as there is no obvious precedent nearby. The block will be a clearly visible element in views back towards the site from the public path south of the site leading to the nature reserve. In addition, cross-sections provided by the agent show that the block will be visible from the beach itself although closer to the cliff, the height of the cliff would restrict views. In certain views from the east, the trees within the LNR would partially restrict views until in effect emerging from the woodland.

39. Being able to see the building in public views does not make it unacceptable and the majority of the tops of the cliffs above the beach are developed. It would nonetheless be a key feature in views in the area. There will be a significant visual impact from the flat block due to its scale, design and proximity to public spaces and routes. The proposed houses will be similarly prominent although their impact is lessened by their lower scale and bulk. Again, however, there is no real precedent in the locality and historic building patterns in the area for the starkly contemporary approach and certain of the proposed materials such as the timber- and stone-cladding.
40. With regard to density, the current application seeks to develop the site with twenty six dwellings, a figure which reflects the previously allowed appeal but with less overall built coverage across the site, given that 17 of the units would be provided within a single structure. At a site area of 1.35ha, the density is only 19 dwellings per hectare which is very low and a high proportion of the site will remain undeveloped as gardens, open space and retained tree groups. The developable area of site is limited by the constraints of the protected trees and proximity to the LNR, but nonetheless it would not be acceptable to develop the site with fewer units as this would not be an effective and efficient use of this valuable urban site for development.
41. It is inevitable that redevelopment of the site will result in changes to views of the site from the public realm surrounding the site. The visual impacts of the scheme are finely balanced bearing in mind the significant change the flat block in particular will cause in the character and appearance of the area and the lack of any real precedent for the proposed design approaches in the locality. The NPPF at para. 127 advises that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
42. Due the opportunity and need in this instance not to slavishly follow the form of the immediately surrounding roads and with due regard to the reduced weight to be attached to Policy HE2 and saved Policy ENV9 in light of the substantial lack of housing supply, the impacts on the character and appearance on the area, are considered on balance to be acceptable.

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

43. Policy LN3 of the Local Plan requires that affordable housing will be provided on-site for developments resulting in a net increase of 15 or more dwellings. The Policy states; *"On sites resulting in a net increase of 15 or more dwellings,*

*provision in accordance with the Policy Percentage Requirements and Affordable Housing Requirements should be on site but where it is not possible to provide affordable housing units on the site, off-site provision on an alternative site may be acceptable. If an alternative site is not available, a financial contribution in lieu of on-site affordable housing will be acceptable, calculated in accordance with the Commuted Sum Methodology.”*

44. Development Plan policy requires that brownfield sites should deliver up to 40% affordable housing at a tenure mix of 70% social rented or affordable rent and 30% intermediate housing. The definition of affordable housing has been expanded by the National Planning Policy Framework (NPPF) to include Starter Homes and Discount Market sales. The tenure split pertaining to any proposals should include the broader categories within the NPPF but should also be broadly consistent with the requirements of Policy LN3.
45. The NPPF makes provision for a Vacant Building Credit where a vacant building is demolished and replaced by a new building. In calculating any affordable housing contribution, the developer should be offered a financial credit equivalent to the existing gross floorspace of the relevant vacant buildings, although, it should be noted that affordable housing contributions are required for any increase in floorspace. The Vacant Building Credit applies to the scheme and affects the extent of affordable housing which can be secured as a consequence.
46. The applicants have acknowledged the requirement for affordable housing provision in respect of the development. In this instance, the applicants are seeking to provide a financial contribution in lieu of on-site provision. Policy LN3 advises that affordable housing requirements should be provided on site for sites of this size but where it is not possible to provide affordable housing units on the site, off-site provision on an alternative site may be acceptable. If an alternative site is not available, a financial contribution in lieu of onsite affordable housing will be acceptable, calculated in accordance with the Commuted Sum Methodology. Due to the nature of the proposed development and the accepted management difficulties of providing a flat block with both open market and affordable housing, it is considered that an off-site contribution to affordable housing will in this particular instance be the most effective approach to securing affordable housing provision.
47. Subject to securing the affordable housing contribution as recommended in the proposed s106, the scheme is considered to comply with Policy LN3.

### **Housing Mix**

48. Policy LN1 refers to the type and size of units. The Strategic Housing Assessment (SHMA 2015) states that 2 and 3 bedroom houses are what is mostly required in the Christchurch area (see Appendix C). The proposed development provides for two pairs of semi-detached 3 bed properties, although at around 213m<sup>2</sup> and in such a location, they would be hugely

unaffordable to typical incomes. The remaining houses are even larger 4- & 5-bed houses. The flat block units are a mix of 2- & 3-bed properties, ranging in size from 117m<sup>2</sup> (the size of a typical 3 /4-bed suburban house) to 192m<sup>2</sup>. Consequently it could not be said that the proposed dwelling mix coincides with area of greatest need for Christchurch as set out in the SHMA. This is a negative of the scheme which needs to be acknowledged in the planning balance.

49. The scheme complies with the Housing Quality Indicators and the Nationally Described Space Standards and is considered to comply with Policy LN1.

### **Trees and Landscaping**

50. The trees within the site are the subject of a Tree Preservation Order (TPO), reflecting the significance of the contribution they make to the character and visual amenities of the area. Whilst a proportion of the trees are of limited, individual merit, the significance of the established planting as a collective, is acknowledged.
51. The Council's Landscape and Tree Team have raised objection to the proposals on the basis that the number of trees lost to development, particularly those which are of good quality, would have an adverse impact on the character of the area and the biodiversity within the site.
52. Pre-application discussions with the applicant advised that focusing development within the central area of the site and reducing the footprint of built form overall, would provide the opportunity for enhanced planting which would supplement the established screening and prolong the lifespan of the natural screen.
53. Trees to the margins of the site would be retained by the current proposals. It is possible that the development of the site with the same number of units arranged as individual dwellings may retain more trees initially, however the potential for the loss of trees following occupation of the units as a result of an increased pressure to fell or severely prune due to their proximity to the new dwellings is likely. Potentially therefore, the long terms impact could be greater. The proposed flat block is preferable in this regard as management of the tree groups is retained as a whole and passed collectively to the proposed residents and management company.
54. The removal of 24 Category A trees is a significant negative impact of the scheme. Overall the scheme results in the removal of a total of 54 trees across the site. It is inevitable that some trees will be lost as part of the redevelopment of the site and the removal of certain trees can be good arboricultural practice in the interests of preserving the more significant trees. Whilst the loss of trees is a negative there is a balance to be struck between the removal of established planting and the potential to provide enhanced planting with a prospective life-span that exceeds that of the existing.

55. On balance, overall the loss of the trees from the site is considered to be a negative aspect of the scheme. The scheme is not considered in this instance to comply with Policy HE2 as it is not compatible with or improves its surroundings in its relationship to mature trees or the requirement in Policy HE3 to protect and seek to enhance natural features such as trees. This will need to be weighed against the benefits of the scheme in the planning balance below.

### **Impact on Biodiversity**

56. The proximity of the site to a Local Nature Reserve (Steamer Point Woodland) is a constraint to the redevelopment of the site. The previous Inspector placed particular significance on the protection of protected species and imposed a condition requiring that a 10 metre buffer strip to the woodland along the southern boundary of the site be retained as dark corridor.
57. The Council's Greenspace and Conservation Team have been engaged following identification that the site and its environs are being extensively used for foraging purposes by a number of species of bat. Your expert officers advise as follows;
58. There have been various assessments undertaken by the applicant's specialist consultants on a number of aspects related to this proposed development. As you are aware we have held detailed discussions with the consultants on a number of issues and can confirm that we have carefully considered and reviewed all the material which has been supplied to us to date.
59. There was an initial lack of information provided by the applicant, particularly in relation to impacts upon the adjacent Steamer Point Local Nature Reserve (and wildlife within). This particularly related to there being insufficient collection of wildlife data (notably bats) in our view and given that dark corridors were a requirement along southern and eastern boundaries, an absence of information on lighting impacts from the proposed development. The applicant did provide a lighting assessment at our request but this also initially lacked sufficient detail for us to make an informed consideration of the impacts. This was later resolved through amendment.
60. We therefore took the step of carrying out our own additional wildlife research, to better enable us to make a proper judgement in relation to ecological impacts. It was of some concern that in our view, vital material in order to make a proper ecological assessment wasn't produced as it should have been. Our research subsequently led to the discovery of an Annex II species, namely Barbastelle bat, using the immediate locality of the application site for assumed feeding and commuting purposes.
61. There was already prior agreement on the need to maintain dark corridors along the eastern and southern boundaries of the development site and the above discovery underlined the importance ensuring that these functioned adequately to avoid any impact on this (and other) species. Throughout

discussions we have kept our position to the clear statement issued by Dorset NET to the applicant with regard to the need for dark corridors; the proposal for which originally relate back to the views of the Planning Inspector. We restated this both to WYG, the applicants' consultants, who drew up the lighting proposals and Lindsay Carrington Associates, the ecological consultants.

62. Given the presence of an Annex II bat species (and other light sensitive bat species), it was agreed that the 10m dark corridors to the south and east must be completely unaffected by artificial light\*. To be clear, it is our view that, for the LPA to discharge its duty under the relevant legislation (Habitats Regulations) and to avoid later potential challenge, we need surety of no adverse impacts on the Annex II species and the onus was on the applicant to demonstrate this - We appreciate that 'completely unaffected by artificial light' is still open to interpretation. All parties agreed that it is appropriate to accept the Institute of Lighting Professionals (ILP) guidance of 0.4 lux for vertical illuminance and 0.2 lux for horizontal illuminance as the maximums allowable.
63. Given the above, our concerns with this application, from an ecological perspective, were mainly in relation to the lighting regime for the development, to ensure full compliance with this obligation. These included:
  - Proximity of the built form, in particular, sources of illuminance (e.g. windows), potentially impacting the dark corridor areas. This largely related to the apartment blocks and houses 1-4, which sit along these boundaries.
  - Other lighting impacts within the application site, such as from car parking areas or street lighting
  - Professional assessment of the above, in terms of existing and projected illuminance in these corridors
  - Suitable mitigation to address projected impacts and ensure compliance (e.g. physical changes to the built form or smart glass in windows)
  - Control mechanisms (e.g. through planning conditions) to ensure mitigation is ongoing (in effective perpetuity) and to address potential future non-compliance (e.g. failure/replacement of smart glass)
64. We did accept that bats commuting east-west along the coast have the option to keep further back or fly slightly below the cliff top, which could give more flexibility along the southern boundary, although any potential impact on bats, such as forcing them to change their routes, could lead to greater expense of energy which is not ideal. Our primary concern however, related more to bat use along the woodland edge in the dark corridor to the east of the development, where there could be no such flexibility.
65. All the above issues have now been addressed to a level that allows us to remove our objections.
66. **Steamer Point Lighting Assessment, December 2020 (final issue)** - This is acceptable to us, as amended but we note that this includes a draft lighting

management plan that will need implementation and monitoring to ensure compliance.

67. **Construction and Environmental Management Plan (CEMP)** - this is acceptable to us, as amended.

68. **Landscape and Ecological Management Plan (LEMP)**

- Initial proposals took, at best, a 'no-net loss' approach to biodiversity, rather than Net Gain, as required under the NPPF; however, this is now acceptable to us, as amended.
- The consultant asked if some on-site mitigation could take place within the adjacent nature reserve (e.g. erection of bat boxes) to help fulfil their obligations for net gain mitigation under the National Planning Policy Framework. We supported this specific proposal on the basis that there is more scope/space and better habitat within the reserve and gives better (direct Local Authority) control over the mitigation in the medium and long term.
- We also proposed that funds could be used for further mitigation within the nature reserve, through habitat enhancement (e.g. appropriate woodland management to benefit bats) on the basis occupants are likely to utilise the adjacent land on a regular basis and therefore additional mitigation for this would be appropriate. As a result, we drew up a costed proposal (to the sum of c£10,000), for these works, to which the applicant has agreed in full.
- The proposal includes restoration of a pond, bat-friendly adaptation to some buildings, removal of invasive exotic species and tree works to improve habitat suitability and accessibility for bats.
- All works within the reserve will be delivered by BCP Council, either using specialist contractors or in-house operatives

69. **Further comments as owners of adjacent Local Nature Reserve**

- The plan proposes the cutting back of the tree line along the eastern boundary. It should be clear that the nature reserve is subject to a further TPO and that any such proposals would require further consents, both in terms of BCP Council being the Local Planning Authority and the owner of the trees in question. We are not likely to support any such application, given the importance of this edge for bats.
- The plan proposes individual access gates from properties along the southern boundary, directly onto the nature reserve. Creation of additional access routes onto our land as proposed, is not acceptable to us.

70. In conclusion and for the avoidance of doubt, we are prepared to **remove our previous objections** (on ecological grounds) to the above application."

71. Significant work has been undertaken by your ecological experts in order to devise suitable mitigation for the potential impacts of the scheme on ecology and biodiversity on and adjoining the site. Key to these impacts are the foraging of protected species (bats) within the adjacent LNR. This has resulted in a number of measures which are (to this case officer) novel as part of a development scheme.
72. In particular, the mitigation measures in the submitted Lighting Assessment (Dec.20 – p.19) provides that windows facing the bat corridor to the south and east of the site will have smart glass installed in accordance with recommendations within ILP Bat Guidance. The smart glass results in a reduction in lux levels being emitted through the glass and can also be set to operate remotely or by timer. The locations where smart glass will be required include the southern and eastern facades of the apartment block and the southern facades of houses 2 – 4, as shown in Figures 7-8 in Appendix A. Bathroom windows on these facades will be treated with a permanent obscure glass that meets the 1 lux at 1m requirement. Glazing on south facing elevations will have a minor tint added to help reduce the effects of overheating. This tint will also help further mitigate lux levels from the window.
73. It should be noted that the windows to have the proposed smart glass will be those with the key uninterrupted sea views in the development, particularly the south-facing windows.
74. Other mitigation measures also include that roads within the development will be illuminated using Dark Sky Low Level Bollards and screening around the car park perimeter to the north of the site will help to limit the light spillage onto the tree line from the car park area.
75. Bearing in mind the responses of your biodiversity officers, subject to appropriate mitigation measures being secured through legal agreement and condition, the impact of the proposals on biodiversity can be minimised to an acceptable level, compliant with policy and reflecting the previous planning decision made in respect of the development of the site.

### **Heathlands mitigation**

76. 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.
77. 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). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach

to access management is necessary to ensure that displacement does not occur across boundaries.

78. This application is not accompanied by a unilateral and as such there is no mechanism to secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This contribution does not relate to the provision of infrastructure, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). Without this mitigation secured the development could result in an adverse effect on the integrity of the designated site. Subject to securing this mitigation as recommended in the proposed s106 agreement, the scheme would be in accordance with Policy ME2.

### **Parking and Highway Safety**

79. The Local Highway Authority has raised no objection to the application subject to the imposition of suitable conditions.
80. Local residents have expressed concern with regards the impact of the development on the established highway network/infrastructure, with the consequent effect on the wider locality. This quantum of development has previously been found to be acceptable appeal. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF para. 109). It is unlikely that the traffic movements from 26 residential units would breach the “severe” impact test set out in the NPPF.
81. The scheme complies with the Council’s adopted parking SPD and Policies KS11 & 12.

### **Neighbouring living conditions**

82. The nearest residential properties to the site are in Freshwater Road which border the norther boundary of the site. The nearest properties (No.24 & No.30) adjoin the part of the site where the houses are proposed. There will be an acceptable relationship as these adjoin the proposed rear gardens of the proposed Plots 5 – 9 or otherwise views towards the site are filtered through the trees to be retained along the northern boundary.
83. With regards to the proposed flat block, it is set approximately 65m into the site. Notwithstanding its substantially greater scale, at this distance the building will not result in an overbearing impact or loss of outlook. Nor will it cause an unacceptable loss of privacy. The scheme have an acceptable impact on the living conditions of the nearest existing residential properties.
84. The proposed occupiers will all enjoy acceptable living conditions due to the substantial size of the properties proposed and their access to private and shared amenity space within the scheme. There is a question mark over how residents will respond to living in a dwelling with the proposed Smart Glass largely because your officer does not have any previous experience of its use.



85. Notwithstanding this, the scheme is considered to comply with the test in Policy HE2 to be compatible in its relationship to nearby properties including minimising general disturbance to amenity.

## **Summary**

86. The redevelopment of the site is acceptable in principle and has previously been established at appeal for this quantum of development. The scheme – on balance – has an acceptable impact on the character and appearance of the area bearing in mind the reduced weight to be attached to Policy HE2 and saved Policy ENV9 in light of the lack of housing land supply for the Local Plan area.
87. It is considered in this instance to be acceptable for affordable housing provision to be made off-site due to the nature of the site and the proposed scheme. The proposed scheme provides for different types of dwellings but exclusively proposes substantial properties – whether they are flats or houses – and does not provide a range of property sizes within the scheme. The scheme does not provide for the area of greatest housing need identified in the 2015 SHMA.
88. The scheme has a negative impact in terms of its impacts to protected trees on the site.
89. With the safeguards and mitigation identified, the advice of your officers is that the scheme will have acceptable impacts on the ecology and biodiversity of the area. With the securing of heathlands mitigation, the scheme will have acceptable impacts on protected heathlands.
90. The scheme is compatible with neighbouring living conditions and provides acceptable living conditions for occupiers. The scheme will have acceptable impacts on highway safety and the highway network. Parking provision is acceptable under the adopted SPD.

## **Planning Balance**

91. The application is very finely balanced. There are benefits in redeveloping the site in order to address the significant under supply of housing within the Local Plan area. There are economic and social benefits from this that weigh in support of the scheme. Due to the number of units proposed, additional weight is attached to this aspect.
92. Due to the very finely balanced nature of the impact of the proposed buildings on the character and appearance of the area – particularly the prominent flat block – in this case, this is not considered to be a benefit of the scheme, but has a neutral impact. A more sympathetic scheme would attract greater weight in favour. Likewise, the provision of affordable housing is policy compliant and thereby a neutral factor, as are the acceptable impacts on neighbouring living conditions and highway safety.
93. The mitigation of the biodiversity and ecology impacts, including heathland mitigation also mean these are a neutral factor in the planning balance.

94. Against this are the negative impacts from the scheme in the impacts to trees within the site. As a major scheme, the development also does not meet the area of greatest housing need for smaller 2- & 3-bed houses.
95. On larger sites such as these it is often the case that there are directly competing pressures which must be weighed against each other in the planning balance. As noted, these factors are very finely balanced in this application, but overall, on balance, the provision of residential development to address the current under supply is considered to outweigh the negatives of the scheme and the application is recommended for approval.

## **RECOMMENDATION**

**Delegate to the Head of Planning to secure the completion of a s106 Legal Agreement to secure;**

- a) Affordable housing;**
- b) Heathland mitigation;**
- c) Ecology mitigation contributions**
- d) The provision of smart glass to the identified openings;**

**And then Grant subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision**

## **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:  
 1851 10 Houses 9 And 10 - Floor Plans And Elevations  
 1851 01 A AMENDED Location & Block Plan  
 1851 31 A AMENDED House 2 - Floor Plans & Elevations  
 1851 32 A AMENDED House 3 - Floor Plans & Elevations  
 1851 33 A AMENDED House 4 - Floor Plans & Elevations  
 1851 34 A AMENDED Houses 5 & 6 - Floor Plans & Elevations  
 1851 35 A AMENDED Houses 7 & 8 - Floor Plans & Elevations  
 1851 36 A AMENDED House 9 - Floor Plans & Elevations  
 1851 37 A AMENDED Apartments 1-17 Ground Floor Plans  
 1851 38 A AMENDED Apartments 1-17 First Floor Plans  
 1851 39 A AMENDED Apartments 1-17 Second Floor Plans  
 1851 40 A AMENDED Apartments 1-17 Third Floor Plans  
 1851 41 A AMENDED Apartments 1-17 Roof Plan  
 1851 42 A AMENDED Apartments 1-17 East & South Elevations  
 1851 43 A AMENDED Apartments 1-17 West & North Elevations  
 1851 47 A AMENDED Garages Car-Ports & Dustbin Storage

1851 02 B AMENDED Site Plan Showing Ground Floor

1851 30 A AMENDED House 1 - Floor Plan

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

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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. 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 in accordance with Policy HE2 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

5. The development shall not be commenced until
  - a foul and surface water drainage strategy is submitted and approved in writing by the Local Planning Authority
  - a drainage scheme shall include appropriate arrangements for the discharge of foul and surface water
  - the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the Local Planning Authority.

Reason: This information is required prior to commencement to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property in accordance with Policy HE2 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

6. No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works have been submitted to and approved in

writing by the local planning authority and these works shall be carried out as approved. 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.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

7. No development above DCP (damp proof course) shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: This information is required in order to ensure the long term establishment, maintenance and landscaping of the site, that implementation of the scheme is carried out in accordance with the approved plans and to accord with the Local Plan and Government Guidance contained in the National Planning Policy Framework.

8. No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development, shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: This information is required prior to occupation in order to prevent the development having an adverse impact on the amenities of the locality and to accord with Policy HE2 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

9. Notwithstanding the details submitted, further details of all lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details prior to the occupation of any unit and shall not be varied without express written permission from the Local Planning Authority. In addition, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: This information is required prior to occupation of the development hereby approved to safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and to accord with Policies HE2 and ME1 of the Local Plan and Government Guidance contained in the National Planning Policy Framework

10. Details of any access facilitation pruning works and a plan showing the location of barriers in accordance with BS5837:2012 Trees in relation to design, demolition and construction shall be submitted to and approved in writing by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development. The barriers shall be erected and maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

11. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In the interests of managing any potential contamination risks on the site.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no additional openings (windows and doors) shall be installed within the approved dwellings without express planning permission first being obtained.

Reason: In the interests of protected species.

16. The development hereby permitted shall not be occupied or utilised until the turning and parking shown on the approved plans has been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of road safety.

### **Informatives:**

1. **INFORMATIVE :** 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. **INFORMATIVE:** 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>.