



# Planning Committee

Application Address	Land between 15 Cheshire Drive & 20 Wilkinson Drive, Bournemouth BH8 OJY
Proposal	Erection of 2 houses and a three storey block of 9 flats, formation of vehicular access and parking spaces - Regulation 3 (amended plans - including reduction of number of dwellings, amendments to layout & design)
Application Number	7-2020-8467-AO
Applicant	BCP Council – Environment & Community
Agent	Trinity Architecture
Date Application Valid	24 June 2020
Decision Due Date	22 September 2020
Extension of Time Date	22 October 2021
Wards	Muscliff & Strouden Park
Status	Public
Meeting date	23 September 2021
<b>Recommendation</b>	GRANT with conditions
Reason for Referral to Planning Committee	The Council is the applicant & landowner and the application is for a major development  The number of individual objections received exceed 20 and the Officer recommendation to approve is contrary to the opinion of these objections
Case Officer	Richard Cable

## **Description of Development**

1. The development consists of the following elements:
  - Change of use of public open space to residential land
  - Erection of 2x2 storey 3 bedroom (1x2bed&2x1bed4person) houses
  - Erection of detached 3 storey apartment building for 9 x 2 bedroom (2x2bed4person) flats
  - The scheme provides 15 car parking spaces
  - Houses - 6 spaces in 2 separate surfaced bays (consisting of 2 spaces & 4 spaces) within the site frontage
  - Apartment – 9 spaces in surfaces parallel parking bays (consisting of 5 and 4 spaces) sited forward of the proposed apartment building & rear of proposed houses
  - Provision of surfaced vehicular driveway & footpath off Wilkinson Drive to serve the parking area and bins to the apartment element
  - Provision of vehicular access off Cheshire Drive to proposed 2 parking spaces parking and paths across site frontage to access houses
  - Provision of cycle store and separate bin store (recycling/household waste) to serve apartments
  - Communal amenity space for occupiers of the apartment development
  - Private rear garden space for each house
  - Provision of pedestrian cycle path
  - Soft landscaping
  - Contributions to secure heathland mitigation and to provide recreational/public opens space facilities in lieu of the open space lost to the development
  
2. The original proposals have been subject to a series of amendments that seek to respond to material concerns raised and resolve identified material planning tests. The amended plans have responded to the following issues:
  - Highway - layout, access, visibility, parking and cycle facilities & connectivity to the cycle network
  - Residential amenity – living conditions & privacy of the existing and future residents – having regard to matters including outlook, overlooking, shadowing, daylight/sunlight & contamination (pollution/noise) & internal living space layout and standards
  - Urban design –design appearance, layout & functionality
  - Open space & recreational facilities
  - Sustainability – cycle facilities & connectivity and sustainable energy generation
  - Ecology - impact and biodiversity resilience measures
  
3. The main amendments include:
  - Reduction in the number of houses from 4 to 2
  - More spacious layout of plots and garden areas for the proposed houses

- Reduce footprint and size of the houses
- Omit car parking spaces within frontage area serving the houses
- Revised internal room layouts to apartments to comply with DCLG standards
- Revised balcony & room uses to apartments to safeguard privacy of existing occupiers of apartments and future occupiers of houses
- Revise design of externals to buildings to improve visual appearance
- Provide drop kerb to driveway to enable servicing of waste/refuse store
- Reconfigure alignment of footpath connecting wilkinson Drive to driveway to apartments
- Resolved concerns regarding access to and facilities for cycling to serve dwellings Council standard
- Provide accesses to rear of site to connect to cycle network
- Resolved servicing of refuse/waste and bin capacity/stream facilities
- Resolve issues concerning car parking
- Provision of replacement play/open, recreational space facilities
- Renewable energy facilities provided & Energy statement – photovoltaics and heat source pumps
- Secure Ground Investigation Report – contamination
- Secure statement that accommodation complies with DCLG standards
- Secure shadowing, daylight and sunlight impact assessment
- Secure energy statement
- Secure addendum to Ecology statement & bio-diversity resilience measures
- Secure information and revised drainage scheme

4. The scheme is supported by the following information:

- Tree Impact Report
- Transportation Assessment
- Drainage scheme for surface water
- Ecology Impact Statement
- Planning Design & Access Statement
- Ground Investigation Report – contamination
- Accommodation Statement
- Drainage scheme
- Energy statement

### **Key Issues**

5. The main considerations involved with this application are:

- Principle of the development
- Loss of public open space & policy
- Housing need – affordable housing
- Contamination & pollution issues
- Impact on character & appearance of the area including matters of design, scale, layout, appearance & trees
- Implications for highway safety & transport issues

- Residential amenity – impact on living conditions of existing residents and conditions for future residents
  - Services – waste/refuse & drainage
  - Nature conservation & bio-diversity considerations
  - Sustainable Energy
6. These issues will be considered within the assessment element of the report below.

## **Planning Policies**

### **7. Bournemouth Local Plan Core Strategy (Adopted 2012)**

- Policy CS1 Sustainable Development
- Policy CS2 Sustainable Homes
- Policy CS3 Sustainable Energy
- Policy CS4 Surface Water
- Policy CS5 Promoting a Healthy Community
- Policy CS6 Delivering Sustainable Communities
- Policy CS13 Key Transport Routes
- Policy CS15 Transport
- Policy CS16 Parking Standards
- Policy CS18 Increasing the opportunities for walking and cycling
- Policy CS20 Encouraging small family dwellings
- Policy CS22 Housing outside preferred locations
- Policy CS30 Encourage green infrastructure
- Policy CS31 Recreation Play and sports
- Policy CS33 Heathland
- Policy CS35 Nature & Geological Conservation Interest
- Policy CS38 Minimising Pollution
- Policy CS41 Quality Design

### **8. Bournemouth District Wide Local Plan (Adopted 2002)**

- Policy 3.20 Contamination
- Policy 3.28 Flooding
- Policy 4.25 Landscaping
- Policy 6.8 Infill Residential Development
- Policy 6.10 Flats Development

### **9. Supplementary Planning Documents**

- Dorset Heathlands Planning Framework (2020-25) SPD
- Residential Development: A Design Guide (2008) PGN
- Parking Standards (2021) SPD
- Councils Refuse/Waste storage and collection management technical standards (PGN)
- Affordable Housing SPD AH1

## 10. The National Planning Policy Framework (2021) - NPPF

Paragraph 8 requires development to seek to meet 3 main objectives including:

- Economic
- Social
- Environmental

Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. 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, 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

11. The Council is unable to demonstrate a five-year housing supply, meaning that the 'tilted balance' of Paragraph 11 may need to be applied to this proposal.

12. The following chapters of the NPPF are relevant to the proposals:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong & competitive economy
8. Promoting healthy & safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change/flooding
15. Conserving & enhancing the natural environment

13. DCLG (Department for communities and local government) Technical Housing Standards – nationally described space standard (2015 as amended) is also relevant.

### The Equalities Act 2010

14. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Relevant Planning Applications and Appeals**

15. There are no relevant planning applications for this site.
16. There were 2 pre application informal development proposals considered prior to the submission of the current scheme:  
  
Pre App ref: 8467 28 flats within 1x 3-4 storey block – Response: 08/08/2018  
Excessive, overdevelopment, scale and density  
Pre App ref: 8467/A 23 flats within 1x 3 storey block – Response: 30/10/2019  
Excessive density and overdevelopment
17. It should be noted that by comparison to the pre application schemes the current scheme constitutes a significant reduction in the density and number of the dwellings – from 28 originally to 11 – together with a significant reduction in the amount of built development by volume and site coverage.

### **Representations**

18. Site notices were posted in the vicinity of the site on 08/07/2020 with an expiry date for consultation of 31/07/2020 for the original registered development proposals.
19. Site notices were posted in the vicinity of the site on 18/05/2021 with an expiry date for consultation of 28/05/2021 for the amended scheme.
20. 41 representations have been received. These comprise 27 individual objections including Bournemouth Civic Society, & 14 further representations by the same objectors have been received. There are no representations in support. The issues of objection raised include the following grounds:
  - Loss of public leisure & play open space whilst increasing demand and to recent loss of other facilities in the area & demand from other housing schemes
  - Loss of privacy due to overlooking – existing residents
  - Loss of daylight/sunlight adverse impact on health well being
  - Noise – car movements
  - Loss of view/visual amenity
  - Not meet housing needs of the vulnerable
  - Inadequate parking – demand from commercial parking
  - Adverse impact on environment/pollution – climate change & impact on wildlife
  - Congested layout

## **Consultations**

21. **Councils Tree & Landscape Officer – NO OBJECTION subject to conditions**  
Scheme is well designed to retain all existing trees and hedges and provide suitable tree protection during construction. Some minor pruning/removal of deadwood acceptable.
22. **Councils Regulation Officer – NO OBJECTION subject to suitable conditions**  
Contamination - initial assessment of ground investigation report identifies mitigation measures not required for human health, controlled waters or with regards to gas protection. Additional information can be provided by condition.  
Noise - issues can be informed/managed by acoustic report secured by condition.
23. **Councils Highway Officer – NO OBJECTION subject to conditions**  
Initial objections overcome by amendments and subject to suitable conditions
24. **Councils Urban Design Officer – NO OBJECTION**  
Initial concerns regarding design, layout, amenity space, loss of open space, amount and sustainable energy measures resolved through amendments sufficient not to object.
25. **Councils Open Space Manager – NO OBJECTION**  
Area is considered well served by open space and loss would be acceptable subject to off-setting provision of off-site facilities play facilities secured through a suitable financial contribution
26. **Councils Planning Policy Officer – NO OBJECTION**  
Principle for housing acceptable subject to satisfying tests under policy CS31 and no objection from open spaces manager
27. **Councils Waste & Recycling Officer – NO OBJECTION**  
Amended plans demonstrate bin store can be serviced by Council kart and bin capacity and waste streams comply with Council standards
28. **Councils Drainage Officer - NO OBJECTION subject to suitable details by condition**  
Initial assessment of drainage scheme identifies requirement for clarifying information and additional details that can be met by condition.

## **Planning Assessment**

### **Site and Surroundings**

29. The development site is located within and close to the midpoint position of the southern boundary of the residential Townsend Estate, adjacent the Wessex Way and about 350m east of the Cooper Dean roundabout, in a position directly opposite the multi storey car park at Bournemouth Hospital.
30. The site is set off & separated from the boundary to the Wessex Way by a mature soft landscape screen of about 5-10m width.

31. The site is located on land currently functioning as primarily public open space that is mainly grassed in appearance. The site is located between and flanked by 2 detached apartment buildings at 15 Cheshire Drive and 20 Wilkinson Drive. The existing apartment buildings are of 3 storey scale & consist of a linked cluster of 4 linked built elements. The elevations are of brick facings surmounted by shallow mono-pitched grey faced roofs. The elevations to the apartment buildings retain regular geometric window forms, vertically aligned white panelling and white fascia to the vertical sides of the roof. The boundaries to the apartments are marked by mature planted screens consisting of trees and shrubs. The apartments stand in their own grounds marked by railings and soft planting features.
32. The northern part of the site is presented towards the existing 2 storey terraced houses fronting onto Cheshire Drive & Wilkinson Drive. The existing houses have rectangular shaped footprints, brick faced elevations with some partially faced in shiplap boarding or painted render work, and all have gable ended pitched tiled roofs. Ridgelines are set parallel to the fronting footpath/highway. The window layout and forms are regular, being geometric in form. Individual plots retain front gardens of sufficient depth to park a car – some being open plan in layout others retain front boundary markers.
33. The site frontage currently abuts a footpath that extends across the site frontage and links the surfaced highways of Cheshire Drive to the west – that extends northwards into the courtyard development of Cheshire Gardens - and Wilkinson Drive to the east.

## **Key Issues**

### Principle of development

34. Both paragraph 14 of the NPPF, and CS1 of the Core Strategy place a presumption in favour of sustainable development. The site is outside of the criteria of Policy CS21, being more than 400m from Castle Lane West (it is close to the A338 Wessex Way but not accessible from this main road), so it is not in a preferred location for housing. Policy CS22 therefore applies, which states that housing is acceptable providing that the scale and appearance and density is in keeping with the surrounding area, there is sufficient land for the development to preserve the character of the area and that it would not harm local amenity or living conditions.
35. The development would make a significant contribution towards local housing supply, subject to assessment of the other material considerations in the report below.

### Loss of open space

36. The main area of the development land currently functions as public open space. Policy CS31 of the Bournemouth Local Plan Core Strategy (BLPCS) seeks to resist the loss of such space where it contributes to the recreational, visual and ecological/environmental value of an area and contribute to green infrastructure, unless where it is demonstrated to be underused or surplus to requirements and



benefits arising from the development outweigh the loss of the space. Concern has been expressed by some residents to the loss of the open space and its contribution to meeting recreational need & the impact on local ecology and these concerns are considered below.

*Recreation:*

37. The representations received identify that the land provides some recreational value to residents for informal recreation including for children. An area of concrete hard standing exists within the centre of the grassed open space but retains no play equipment for formal recreation. The Council's Open Space Manager considers that the loss of the existing site would not be significant, that the recreational need met from the site is low and that comparatively superior facilities are proposed to be built close by in the estate to serve any demand, implying that the site is surplus to requirements.
38. It is considered that the lack of formal play equipment, the size and location between the two blocks of flats do reduce the area's attractiveness as an area of public open space and it is likely to be under-used as a result, although the value to immediate residents is recognised. There would therefore be some harm as a result of the loss of the open space. This would be mitigated through investment in alternative open spaces in the locality.
39. These alternative facilities would take the form of a new playground in the centre of the estate and a pump track at the rear of the estate. A pump track being a racing track for BMX or cyclists the term describing the motion needed by the rider to navigate the track. The replacement facilities would be of a comparatively higher quality and would be accessible to existing residents. The cost of providing these facilities would be between £300,000-350,000: the proposals would provide a significant contribution of £66,000 towards the provision of these new facilities.
40. The contribution would be secured through a Unilateral Undertaking. The existing site is therefore considered to be underused and of low recreational value and the development of the site would enable, through the relevant financial contribution, funding of the delivery of higher quality accessible replacement recreational facilities for residents in the estate. The release of the existing open space and its development would be beneficial due to the resulting net gain for recreational facilities in the estate. Therefore, while there is some conflict with Policy CS31, this is considered to be mitigated with the provision of the new facilities.
41. While the contribution would not provide the full amount required, the funds will be ring fenced for open space facilities in the area. The Open Space Manager states that there is a high proportion of open space in the Townsend area, but there is an identified deficiency of playgrounds with only one small playground in the area and a dated skate ramp and pump track. The Playground Interim Strategy 2019 details identified improvements in the Bournemouth area, including the need for playground facilities in this area. It stated at the time of the report that funds were not in place to deliver all the proposals in the strategy, but this would be through a combination of contributions, grants and other funds. The contribution would therefore facilitate the enhancement of facilities where there is an identified need.

*Visual contribution & Green infrastructure:*

42. The site currently is one area of green open space within the larger area of open space provision in the Townsend estate and its loss would not be materially significant to the overall provision or to the visual appearance of the estate. It should be noted that a significant area of the site would not be built on and that outside the footprints of the proposed buildings and hard surfaces, the existing soft landscaping features that add to the green visual appearance of the location – trees and grassed surfacing to site boundaries and between buildings – would otherwise be retained.
43. The site is directly visible to a small number of dwellings directly facing the site, so its visual contribution is relatively low in the context of residents within the wider estate. The southern boundary of the site when viewed from the approaches along the Wessex Way has a soft and verdant appearance being marked by a mature planted screen that would remain unaltered. The contribution to existing green infrastructure and visual appearance of the wider area is small and not materially significant, and the development though reducing to some degree the contribution in these regards would not have a materially negative impact on these material considerations of the visual appearance and green infrastructure of the area. The resulting impact on the visual benefits of the site would be outweighed by the benefits arising from the development including in meeting housing need and enabling higher grade recreational facilities.

*Conclusion*

44. The development would contribute positively to deliver superior recreational facilities in the locality, not affect materially the contribution the site makes to the green visual appearance and green infrastructure of the area and enhance the ecological value of the site. In addition, the scheme would contribute beneficially to the meeting housing need for the reasons set out below. For these reasons the loss of the open space to the development would be justified and the tests under policy CS31 satisfied.

Housing Need

45. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding. The application provides 100% affordable housing and mainly provides flats, so is not suitable for self-build/custom housing.
46. The Council's Housing strategy within the adopted Development Plan seeks to meet new housing primarily within the existing urban area at allocated, unallocated and windfall sites. The site is identified in the Strategic Housing Land Availability Assessment (SHLAA 2019) as a Brownfield Land Register and SHLAA site with potential for evidence of delivery within 5 year, with potential for 24 flats. The Council currently cannot demonstrate a five-year land supply. Policies 6.8 & 6.9 of the Bournemouth District Wide Local Plan (BDWLP) encourage new housing on under-used and vacant land that satisfies relevant development criterion. The site has been identified as being available for development as set out above.

47. Policy CS20 (BLPCS) has a presumption in favour of the provision of development where small family dwellings are proposed subject to satisfying specified development criterion. The definition of a small family dwellinghouse being that with a gross external floorspace of less than 140m<sup>2</sup>. Policy CS20 reflects the identified shortfall and demand in the Borough for small family houses, though it is recognised that not all sites are suitable for houses and in cases such as this where they form part of a mix there are still benefits. Policy 6.10 (BDWLP) seeks to meet identified housing need by the provision of flat development subject to satisfying specified criterion.
48. Policy CS22 (BLPCS) seeks to enable new housing outside urban & district centres or and where sited 400m beyond key transport routes, subject to satisfying specific development criterion.
49. The proposals would provide 11 dwellings – 2x3bed houses and 9x2bed flats. The houses have a gross floor area of 84m<sup>2</sup>, being less than the threshold of 140m<sup>2</sup> defining a small family dwelling and therefore qualifying as small family housing to which positive weight would be given in favour of the development in meeting an identified type of housing need in the Borough. The apartments contribute alternative dwelling types adding to the mix of dwelling types at the site and contributing to meeting housing need by the better use of underused land at this location.
50. Policies CS5 & CS41 (BLPCS) & policy 6.8 (BDWLP) together with the provisions of part 3.7 of the Councils Residential Development Design Guide require development to be of good standard, to meet the daily needs health and well-being of residents. The Council uses the DCLG National Technical Housing Standards to inform decision making regarding the internal size of new dwellings. Although these standards have not been adopted, they can provide an indication of the standard of living conditions I, for example, the internal space falls some way below the national standard.
51. Under Table 1 of the DCLG standards the following gross internal floor areas are required:
  - 3bed4person house requires 84m<sup>2</sup>
  - 2bed4person flat requires 70m<sup>2</sup>
  - All the proposed houses have a floor area of 84m<sup>2</sup> exceeding the required standard
  - All the proposed flats have a floor area of 70m<sup>2</sup> satisfying the required standard
52. The proposals would in these regards meet identified housing need, satisfy identified internal spatial living standards demonstrating a good standard of living environment and be sustainable by developing underused land and thereby demonstrate benefits required under CS31 that would outweigh any loss of the open space. In terms of housing provision the proposals meet the requirements of other relevant policies, subject again to further assessment of the impact on the

character of the area and neighbouring residents as well as other issues outlined below.

### Affordable Housing

53. All applications proposing residential development exceeding 10 units net need to satisfy the Council's adopted affordable housing policy. The affordable housing DPD sets out an approach to achieving contributions towards the delivery of affordable housing in Bournemouth. Policy AH1 contained within DPD requires all residential development to contribute towards meeting the target of 40% affordable housing. When considering residential development proposals the Council will seek a 40% contribution except where it is proven to not be financially viable. The DPD was revised in November 2011 and sets out in greater detail how the DPD will be implemented as well as including an indicative contribution table which applicants can agree to rather than submit viability information.
54. In this case the applicant has stated that all the units will be for affordable rent (below market rental value to meet social housing need) in perpetuity managed by BCP Council Housing. The provisions of the Unilateral Undertaking will ensure that the development remains as affordable social housing in perpetuity.
55. The proposals in providing 100% affordable social housing would therefore satisfy and exceed the requirement of Policy AH1, providing at least 40% of the units as affordable qualifying.

### Contamination/Pollution

56. Policy 3.20 (BDWLP) and CS38 (BLPCS) require development to identify any contamination risk arising from development of land and provide suitable mitigation/control measures where needed and to safeguard residential amenity against noise. Concerns have been raised by some residents in respect to these matters which are considered below.

#### *Contamination*

57. The applicant has submitted an initial Ground Investigation Report (GIR) prepared by Terrafirma South ref: 6207/GIR dated April 2019 that has been assessed by the Councils Pollution Officer. The initial assessment identified that further investigation was needed. Further information was submitted and assessed by the Councils Environmental Consultants, Mabbett, dated 11 May 2021. The outcome being that no objection be raised subject to the provision of conditions requiring submission of further reports following additional investigations in respect to identified detailed matters. The applicant has confirmed their agreement to meet these requirements by condition. Suitable conditions are provided in the recommendation to meet these requirements and satisfy the relevant policy tests.

#### *Noise*

58. The rear elevation of the apartment building is located within approximately 20m of the boundary with the A338 Wessex Way. The boundary is marked by a tree/soft landscape screen of about 7-8m width, in which is centred a public pathway aligned parallel to the Wessex Way with planting in the range of approximately 6-

9m in height. The Wessex Way being heavily trafficked is a potential source of noise with the apartment development a potential sensitive noise receptor. The proposed houses, though sited further from the Wessex Way than the proposed flats, present their rear elevations/windows towards the Wessex Way and could be receptors of noise emanating from the road. The design of the development should be informed to safeguard the living conditions of the occupiers of the proposed dwellings. The Council's Pollution Officer has advised that appropriate measures should be informed through the provision of suitable acoustic assessment to be secured by a suitable condition. The applicant has confirmed their agreement to this approach. Subject to compliance with these requirements the scheme in this regard would satisfy the relevant policy tests.

59. Some concern has been expressed due to the resulting noise from car movements. The development will increase vehicular activity and engine noise in the area however the vehicle movements are associated with residential occupancy and in this respect would be similar to that evident in the existing residential development, which is characterised by a mix of flats and houses. The proposed parking layout for the flats has good separation from adjoining buildings with intervening space marked by soft landscape features. The parking/highway layout conforms with the Council's standards thereby minimising any undue engine noise/vehicle movements. The proposals would not result in a materially harmful level of disturbance and has not been identified as doing so by the Council's Pollution Officer.

#### Impact on character and appearance of the area

60. Assessment should be undertaken together with the content of paragraphs 29-33 above. The policies in the Development Plan and supporting planning design guidance at a national and local level as identified under paragraphs 7-11 above require development to be informed by and respect their surroundings. Some local residents have raised concerns regarding the impact on the character of the area, the layout pattern of development and on visual amenity and these factors are considered below.

#### *Scale and Layout*

61. The scale of the proposed apartment building is comparable to that of the two existing apartment buildings at 15 Cheshire Drive and 20 Wilkinson Drive, albeit that the overall mass is comparatively less than the existing blocks, but still of 3 storey scale.
62. The western side of the proposed apartment building is set between 16-23m from the apartment building at 15 Cheshire Drive & the eastern side between 13m-28m to the apartment building at Wilkinson Drive. The distance from the front of the proposed apartment building to the rear of the proposed houses is between 26m-30m. The distance between the proposed houses and the apartment building at 15 Cheshire Drive is 14m at its closest and 28m to the apartment building at 21 Wilkinson Drive. The footprint of the proposed apartment building is positioned approximately to the mid and rearward southerly position of the existing apartment buildings. The longest elevation of the proposed apartment building is set perpendicular to the longest elevations of the existing apartment buildings thereby

presenting the shortest elevation to the existing apartment buildings and maximising the separation and undeveloped space between itself and the adjoining apartment buildings. Though the spatial gap between the two existing apartment buildings would be reduced by the proposed building the resulting spatial layout would not result in a congested built relationship or materially harmful impact on the character and appearance of the area. An element contributing to this acceptable impact would be the retention and provision of soft landscape features.

*Design and appearance*

63. The proposed apartment buildings have a similar architectural geometric style though have a comparatively more restrained flat roof form than the existing blocks, which retain shallow pitched roof elements. The proposed siting of the photovoltaic arrays at roof level of the apartment buildings would create a shallow angular form at roof level that would respect the shallow pitch roof forms evident to the existing apartment buildings.
64. The appearance of the elevations of the apartment building including window forms, architectural detailing and external facing materials are considered to respect those utilised in the area and to comparatively result in buildings of better design quality. The apartment building would be located to the rearward part of the site in a position relating as a group with the existing apartment buildings separated together from the lesser scale houses to the north.
65. The apartment building would not be visible when viewed from Jewell Road - the main estate road located about 130m to the north - given the intervening impact of existing frontage dwellings. The apartment building would be substantially hidden from views to the Cheshire Drive & Wilkinson Drive approaches other than when outside the frontages of the existing flanking apartment buildings, due to the intervening impacts of the existing apartment buildings, established soft screening and the recessed position of the proposed apartment building. When visible from the site frontage, the apartment building would relate sympathetically to the existing apartment buildings such as not to be harmful to the appearance of the area.
66. When approaching the site along the A338 Wessex Way from the Cooper Dean terminus for the first 100-120 metres along the highway frontage, buildings (at Castle Dene & Francis Court) are clearly open to view from the flyover and slip road onto the eastbound carriageway, though built development is then hidden from view by the established soft planted screen adjoining the Wessex Way and along the frontage to the rear of the site. This means that the existing apartment buildings are overwhelmingly hidden from view, other than for the most minor of oblique glimpses of 20 Wilkinson Drive through minor openings in the foliage of the existing landscaped screen. The proposed apartment building would also be all but hidden from view from the western approach heading eastbound, and any views would be fleeting to the view of the motorist exiting the flyover and not visible by the motorist on the eastern bound carriageway.
67. When approaching the site from the eastern approach, the existing built development located to the east of the site in Vickers Close is to varying amounts

clearly open to view through substantial gaps in the existing soft landscape planting extending along the boundary formed with the Wessex Way. The visual impact of building diminishes with proximity to the development site, varying from fully exposed built elevations to partially visible roof profiles and first floor elevations of terraced housing through the soft boundary screen. Part of the upper element of the roof of the existing apartment building at 20 Wilkinson Drive is visible along the top of the foreground planted screen of the Wessex Way, though where visible would again be glimpsed obliquely and fleetingly by the passing motorist.

68. Therefore, any potential part of the building that may be visible to view from either approach along the Wessex Way would be so minor as not to have any harmful material impact on the character or appearance of the area or visual amenity and would not be materially harmful to the appearance of the established skyline.
69. The proposed houses would be laid out to have a parallel siting located opposite the existing terrace of houses fronting Cheshire Drive/Wilkinson Drive. The proposed houses would be set to the front of the development site located nearest to existing houses – both detached and terraced in type - being of comparable scale mass and design style, but by comparison would be of superior design appearance. The proposed houses would retain landscaped frontages and setting that would make a positive impact to the appearance the street frontage and have screened rear gardens reinforcing & respecting the established residential plot character. Soft landscape features would be located to the foreground approaches to the flanks of the proposed houses thereby softening the impact of these buildings when viewed in the street scene.

*Parking and access*

70. Surface parking would be evident within the site frontage but as layby and frontage parking is a feature of the established development this would not be harmful to the appearance of the area. The reduction in the number of houses from 4 to 2 has reduced the footprint of the resulting building and increased the space to surrounding building avoiding a congested layout appearance and respecting the more spacious layout appearance of the host development.
71. The access driveway serving the parking area to the apartment building would extend from the existing public highway at Wilkinson Drive in a southern alignment. The access would be of lesser width than the existing highway having a subservient scale and layout to the existing highway layout with a minor and acceptable impact on the appearance of the area. The approach to the front of the new access driveway to the apartment element and also along the driveway access and boundary to 20 Wilkinson Drive, would be softened and in part screened to view by existing boundary planting & screened from wider views from Cheshire Drive by soft landscape screening marking the boundary between 15 Cheshire Drive and unit 1.

*Waste/refuse and cycling facilities*

72. A single storey building sited adjacent to the east side of the access drive serving the proposed flats would function as the store for refuse and waste. The structure would be located under the canopy of existing retained trees and retain a low built

design profile. It would have a soft external appearance being set away from the access junction with Wilkinson Drive such as to enable servicing by Council refuse cart but not to appear unduly conspicuous in the street scene.

73. The cycle store facility is provided within an element of single storey building that would appear an integral and subservient part of the proposed apartment building.

#### *Conclusion*

74. Overall, it is considered that the proposed development would not be harmful to the character and appearance of the area and would accord with the aims of the relevant policies including CS22, CS41, 6.8 and 6.10.

#### Trees and soft landscaping

75. As noted above, a feature of the area and the development site are the soft landscape features that contribute positively to the appearance of the area. These soft features include established trees, shrubs and hedging which are primarily evident to the east, west and south boundaries of the site. The proposals would not result in the loss of any existing trees or boundary screens/hedging and would provide scope for additional soft landscape features within the development. The applicant has submitted an Arboricultural Impact Report prepared by KJF Consultancy Ltd (ref: TR.LoWD.B, revised to reflect the amendments to the original scheme) including tree protection measures and management of the existing features that has been assessed by the Councils Tree & Landscape Officer and found to be acceptable. The retention and management of the existing soft landscape features would contribute to the integration of the built development with their existing surroundings serve to soften the impact of built form, retain features that contribute to the soft landscaped appearance of the area and reduce the degree by which the existing landscape would be altered.

#### Highway considerations

76. In respect to the highway access & drive the layout shown on the original scheme has been improved such as to be safe and acceptable. The amended scheme includes new accesses adjacent the existing garage forecourts at the southern ends of Cheshire drive and Wilkinson Drive, improving connectivity to the Wessex Way cycle route. This off-site facility will be secured by condition (condition 12).
77. The scheme provides for 10 cycle parking spaces, satisfying the Council's requirement for 9 spaces. The cycle store facility for the apartment building has a layout and form that satisfies the Council's standards. The dwellinghouses make provision for cycle storage within each plot to meet the requirement of a space for each unit satisfying the Council's standards.
78. The site falls within zone D of the Parking Standards SPD, which requires 1 space per flat and 2 spaces per house. The parking layout provides 9 spaces for the flats and 4 spaces for the houses and therefore satisfies the Council's parking requirements. The layout, parking and turning arrangements for cars satisfy the Council's requirements.



79. Concern has been raised by local residents regarding the adequacy and availability of parking for the development however the scheme makes suitable provision to meet demand and conditions would ensure that the parking is available for the users of the development only.
80. Subject to the provision of suitable conditions no objection is raised the proposals on highway grounds with the proposals meeting the demands of the development in a manner that would safeguard pedestrian safety and not prejudice highway safety. The proposed development therefore accords with the aims of the relevant policies, including CS16 and CS18.

#### Residential Amenity – living conditions

81. Reference to the identified national and local planning policy framework finds that development should safeguard the living conditions of existing residents and provide a good quality living environment for future residents meeting their day to day needs, particularly where small family households are proposed. Concerns have been raised by some residents regarding the potential of the development to impact on living conditions and a loss of privacy due to overlooking, loss of a view and loss of daylight and sunlight and these matters are considered below.

##### *Overlooking & Privacy*

82. The Council's adopted Residential Design Guide under part 3.7.1 suggests a minimum separation distance of 10m between the facing front windowed elevations of houses to prevent overlooking. The separation distance between the front windows of the proposed houses and houses in the opposite street frontage in Cheshire & Wilkinson Drive exceeds 18m and therefore it is not considered that a materially harmful level of overlooking would arise for existing residents of existing houses.
83. In respect to the separation distance between the side facing windows of the proposed and existing apartment buildings the Council's adopted Residential Development Design Guide under part 3.7.1 does not specify a minimum separation distance to maintain privacy. A separation distance of 12.5m between facing 3 storey buildings is required for a back to side relationship. If this measure is used as a guide to inform the current layout, the separation distance between the proposed apartment building and the apartment building at 15 Cheshire Drive is between 18-23m, exceeding 12.5m. The proposed windows within the elevation presented to 15 Cheshire Drive will serve bedrooms. As these rooms are not primarily habitable rooms the outlook would be less than arising from a living room for example. In this proposed relationship it is considered that the nature of the habitable outlook coupled with the separation distance would prevent any materially harmful outlook for the occupiers of 15 Cheshire Drive and the relationship would not be harmful for the occupiers of the proposed apartments.
84. In respect to the relationship between the proposed apartment building and 20 Wilkinson Drive, the buildings at their nearest point would be about 14m and at their widest 30m. The nearest elevations are set roughly perpendicular to each other meaning that the outlook from windows in the nearest elevations of each apartment building would not be parallel and direct in nature. The windows at first

and second floor levels in the north east elevation of the proposed apartment building serve bedrooms. The north east elevation has an angled alignment to the rear elevation of the apartment building at 20 Wilkinson Drive such that the gap widens from 14m to nearly 30m. It is considered that, given these distances, the resulting relationship and intervisibility would not be materially harmful to the living conditions of existing or future occupiers.

85. In respect to the relationship between the rear windows of the proposed houses and the outlook from the windows within the upper floors of the existing and proposed apartment buildings, the only parallel elevation relationship would arise with the proposed apartment building. The windows in the facing front elevation of the apartment building to the upper floors of the proposed apartment building are a mix of bedroom and living room windows therefore a distance in the region of between 21-25m would be an appropriate guide for assessing an acceptable separation distance. The separation distance provided would be nearly 26m and as such is considered an acceptable spacing to safeguard the privacy of the occupiers of the proposed houses.
86. In respect to the outlook relationship arising between the existing apartment buildings and the proposed houses the Council's Residential Design Guide under part 3.7.1 identifies that a minimum of 12.5m should be provided between the rear and side of parallel facing building of 2/3 storey scale. The footprint of the apartment building at 15 Cheshire Drive has an angled not parallel relationship to the rear of the proposed houses though does have windows on the upper floors of the side and rear elevations that would allow an angled outlook towards the rear of the proposed houses. The current layout provides a separation distance of about 14m to the nearest house. It is considered that this would result in an acceptable separation relationship to protect the privacy of the occupiers of the proposed houses and of the existing apartment development. It should be noted that the original scheme for 4 houses was amended by the reduction in 2 houses to the current arrangement to resolve concerns regarding the outlook and the need to increase outlook separation distances and to ensure a suitable level of privacy.
87. In respect to the outlook relationship arising between the existing apartment building at 20 Wilkinson Drive and the proposed houses the footprint of the apartment building has an angled not parallel relationship to the rear of the proposed houses. The apartment building at its closest has a separation distance of 28m widening to 34m. It is considered that the resulting outlook relationship would safeguard the privacy of the occupiers of the houses and the existing apartment development.
88. In relation to the outlook from the front of the proposed apartment building towards the rear of the existing apartment buildings the separation distance the buildings are not laid out in a parallel alignment. This would again result in oblique not direct outlooks from windows meaning that this layout characteristic coupled with the separation distances - which at their closest points are 18m (15 Cheshire Drive) & 14m (20 Wilkinson Drive) would result in an outlook that would not enable intrusive views/intervisibility and provide an acceptable level of privacy for the associated residents. It should be noted that the original scheme was amended to reposition balconies, reconfigure internal room positions and associated windows within

elevations to mitigate the impact of any resulting outlook to an acceptable arrangement from the proposed apartment development towards proposed and existing residential development.

89. The proposed development has been amended by reducing the number of dwellings and improving the layout relationships, to ensure that the outlook between existing and proposed houses and apartment buildings would provide suitable privacy for existing and future residents.

*Living conditions – overshadowing/daylight*

90. Concern has been expressed by some residents regarding the potential of the development to result in a built relationship that would adversely affect the internal living conditions of existing residents by reason of the proximity of new building and the resulting adverse shadowing impact of existing windows. The applicant has undertaken a shadowing assessment together with a daylight/sunlight assessment.

*Shadowing assessment*

91. The assessment has been conducted between 6am-8pm – sunrise to sunset – in April, July and October.
92. In regard to the impact on the proposed houses, the assessment identified that no shadowing or impact would arise for the proposed houses over the period assessed.
93. In regard to the impact on the apartment building at 15 Cheshire Drive, the report concludes that over the period between 7am-9am some shadowing of the mid to north east corner of the lower part of the rear elevation would occur, but that none would occur for the rest of the day throughout the year and not such as to adversely affect living conditions.
94. In regard to the impact on the apartment building at 20 Wilkinson Drive, over the assessment period some shadowing towards the elevations would arise but would not overshadow windows & therefore no materially harmful impact would arise for the internal living conditions of the existing occupiers.
95. In regard to the impact on the proposed apartment building from shadowing from the apartment building at 15 Cheshire Drive, the report states that over the assessment period no shadowing would occur from sunrise and for most of the day until (about 4.30pm in October, 5.30pm in April and 7pm in July) late afternoon and early evening when the facing and front elevation nearest to 15 Cheshire Drive would be shaded. It should be emphasised that for the majority of the day no shadowing would arise, and that when occurring this would be at the later part of the day and that windows in the elevations affected would serve primarily bedrooms or be secondary habitable rooms.
96. In regard to the impact on the proposed apartment building from shadowing from the apartment building at 20 Wilkinson Drive the report states that over the assessment period no overshadowing would fall on facing elevations and windows

serving the proposed apartment building and therefore no harmful impact on living conditions would arise.

*Daylight/sunlight assessment*

97. The assessment includes a diagram under drawing 3283-P-21 that identifies the profile of the proposed apartment building and relationship to 15 Cheshire Drive – the nearest existing building to which it would present the broadest building profile. The diagram applies national standards to assess the impact on daylight/sunlight levels to windows in the facing rear north east elevation of 15 Cheshire Drive. The diagram demonstrates that the proposed built relationship would not breach required obstruction lines from existing windows at 15 Cheshire Drive such as would demonstrate that the required internal living standards for daylight/sunlight would be met.
98. The shadowing and daylight/sunlight assessments identify that most residents occupying the existing apartments at 15 Cheshire and 20 Wilkinson Drive the proposals would have no impact on their internal living conditions. For some of the residents with windows in part of the rear elevation of 15 Cheshire Drive some shading would occur in the early morning after sunrise but otherwise no impact on internal living conditions including daylight/sunlight levels would arise. Regarding the living conditions of the occupiers of the proposed houses the apartment buildings would have no material impact on the internal living conditions. Regarding the living conditions of the occupiers of most of the flats within the proposed apartment building the internal living conditions would be unaffected for most of the day with the occupiers of flats 1, 4 and 7 located to the north west corner affected by some shadowing in the late afternoon to evening period though as noted above the impact would be on primarily bedroom windows. The resulting nature of the impact would be considered to be acceptable taking into account the quality of the living conditions overall. The proposed development therefore accords with the aims of the relevant policies in this respect, including CS22, CS41, 6.8 and 6.10.

Living conditions for future occupants

99. The Council's adopted policy framework requires development to be of a good standard and to meet the day to day needs of residents to ensure health and well-being. Decisions on planning proposals are informed by reference to the national DCLG Technical Housing Standards to inform a good standard of internal living space to new dwellings together with the content of the Councils Residential Development Design Guide under part 3.7 where good internal lighting, outlook and amenity space is required.
100. Reference to paragraphs 50-51 above identify the required internal floor area standards for each of the dwelling types – houses & flats (84m<sup>2</sup> and 70m<sup>2</sup> respectively) - proposed within the development. The applicant has provided an accommodation schedule that sets out the floor area of each proposed dwelling demonstrating that the required standard is met in each case.

101. In terms of the internal floor area provision, the scheme fully satisfies the required national standards and would provide a good quality of internal living space for future residents.
102. In regard to matters of outlook/internal lighting each habitable room in each dwelling is served by windows that would meet afford good levels of outlook and internal natural lighting and an outlook or ready access towards amenity space.
103. In regard to external amenity space the houses would have their own secure private rear gardens and the apartment building would be served by a communal amenity area and the upper floor flats would be retain a balcony facility.
104. The development would provide a good standard of internal living environment and external amenity space for future residents.

#### Waste & refuse facilities

105. The Council informs waste and refuse collection and storage facilities by its technical standards. 240litres recyclable waste and 180litre household waste capacity is required per dwelling. For the 9 flats this equates to a requirement of 1620litre household and 2160litre recyclable waste. The proposed waste store facility satisfies and exceeds these requirements by providing 4 eurobins (each 1100litre) and a 2200litre capacity for each separate waste stream. The bin store is laid out to the driveway to enable collection by Council refuse vehicle. Each of the proposed houses provides for a 2xwheelie bins of suitable capacity to be stored and collected to Council standard.

#### Surface water drainage

106. Policy CS4 requires development to manage net surface water generated by development within the development site unless otherwise demonstrated to be unfeasible.
107. The scheme would generate a net increase in surface water runoff and the applicant proposes to manage surface utilising sustainable urban drainage systems (SUDs) including the use of soakaways & permeable paving and appropriate management techniques. The initial drainage report was assessed by the Councils consultant engineer and advised that further details were required to demonstrate an acceptable scheme. A revised 'Suds Maintenance and Management Plan' prepared by consulting civil engineers ref Rev A C1168 has been submitted and is currently with the Council's consultee for assessment. An update can be provided to members at the committee meeting of any consultee update or in the absence of this being available the matter could be dealt with by condition.

#### Nature Conservation

108. Policies CS33, CS35 of the Core Strategy and part 15 of the NPPF require development to safeguard and provide suitable mitigation for ecology from the impacts of development and to enhance biodiversity.

### *Ecology & biodiversity*

109. The site has no formal or informal ecological designation indicating that the ecological value of the site is low. An ecological appraisal provided by the applicant (prepared by KJF Consultancy Ltd dated 15 April 2019) identified no evidence of protected species on the site. The report identifies potential for bat foraging and bird nesting. The Ecological appraisal identifies biodiversity measures that would enhance the resilience of ecology at this location. This is evidenced by the provision of bat, bird, bee and insect and hedgehog enhancement habitat measures together with safeguarding measures to protect existing planting and site conditions. On the content of the Ecological appraisal the contribution that the site currently makes to the ecology of the area is low and it could be reasonably asserted that the development would result in a beneficial enhancement of the ecology at this location. A condition is provided within the recommendation to ensure that the ecology measures including bio-diversity improvement measures are delivered. On this basis the scheme would be supported on ecology grounds.

### Heathland mitigation

110. Regarding the contents of the Dorset Heathland Planning Framework (2020-25) development located 400m outside but within 5km of designated heathland is only acceptable having regard to this nature conservation interest if it provides suitable mitigation of the impacts of it on designated heathland. The site falls within 5km but outside 400m of designated heathland and would result in a net increase in dwellings/occupancy at the site and therefore a potential increase in pressure on the heathland area – due to example from increased visits, pet ownership – and therefore would trigger the requirement for a mitigation contribution in accordance with the adopted framework. The contribution in this case would be provided towards Strategic Access Management & Monitoring (SAMM). The contribution for each dwelling type is £397 for a house and £271 for a flat with minimum £75 administration fee or 5% of the contribution. The contribution amount is therefore  $2(\text{houses} \times £397) = £794 + 9(\text{flats} \times £271) = £2,439 =$  total contribution of: **£3,233** heathland mitigation contribution and a 5% admin fee = **£161.65**.
111. The applicant has agreed to meet this contribution and secure it through a planning obligation (Unilateral Undertaking) should members approve the application. The proposals would satisfy the relevant policy requirements in this respect.

### Energy & sustainable development

112. Policies CS2 & CS3 of the Core Strategy require development to be sustainable, to function utilising renewable/low carbon energy systems. Policy CS2 requires development that exceeds 10 units to provide 10% of energy use from renewable or low carbon sources. The applicant has submitted an energy statement that identifies that the scheme would incorporate photovoltaic panels to the roof of the apartment building and an air source heat pump as sustainable methods of generating energy to serve the development.

113. The assessment of the use of these systems identifies that depending on the nature of their use together or individually would when compared against the baseline energy needs of the development result in a reduction in energy requirement of between 26% and 80%. For example, the base energy requirement for the apartment scheme would be 4246KWh/year with a combined photovoltaic and air/ground source heat pump system resulting in a 77% reduction in energy requirement of 966KWh/year. The proposals are considered to satisfy the policy requirements in this regard.
114. A condition is provided to ensure that suitable facilities are provided within the development for the lifetime of the development. Subject to this condition, the proposal would therefore meet the requirements of Policy CS2.

### **Summary**

115. It is considered that:
- The proposal would result in the loss of public open space, but the area of open space is considered of low contribution to the recreational facilities in the area, and its loss would be mitigated through a contribution to new identified facilities in the area.
  - The scheme would contribute to meeting affordable social housing need including of a type (small family housing) where there is identified need in the Borough.
  - The proposed development would not be harmful to the character and appearance of the area: Development is of acceptable scale, spacing and design and soft landscape features are retained.
  - The proposed development would not have a materially harmful impact on neighbouring residents.
  - The proposal provides an acceptable standard of living conditions for future occupants.
  - The scheme would not be prejudicial to highway safety or pedestrians and provide a safe environment for residents.
  - Other issues including waste, contaminated land, biodiversity, and sustainable energy are acceptable in principle or can be dealt with via condition.
  - The scheme would in principle manage surface water and flood risk meeting environmental objectives.

### **Planning Balance**

116. The scheme would deliver a 100% in perpetuity mixed affordable social housing development to meet specific housing need in the Borough within an existing urban location making better use of the existing land, thereby meeting social objectives.
117. The development would not adversely materially affect the wider appearance of the area and where visible within the immediate vicinity would appear to integrate well with its surroundings having regard to its design appearance, scale, access,

and layout, meeting social and environmental objectives. The scheme would also provide a good standard of living environment for future residents, safeguard existing residential living conditions, provide a safe highway, and transport environment and improve recreational facilities in the area.

118. There are some negative elements including the loss of the area of public open space, though this has been justified through the under-used nature of this space and the financial contribution towards enhanced facilities in the area. The proposal would result in a reduction in the undeveloped open appearance of the site, and there would be some shadowing resulting to some apartments in the proposed apartment building. These elements have not been considered materially harmful in the report or to result in a level of harm that would warrant refusal of the application.
119. Regarding the provisions of paragraph 11 of this report which sets out the requirements of the tilted balance test, as the Council cannot currently demonstrate a five-year housing supply there is a presumption to grant the development unless there are clear reasons to refuse. The development site does not fall within the remit of part i) for reasons explained under paragraph 11 and therefore part ii) only applies. Having regard to the wording of part ii) of the tilted balance under paragraph 11(d)ii) where “*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*”, it is considered that the minor weight against the development raised above would be significantly and demonstrably outweighed by the benefits arising, and therefore the development should be granted.
120. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that, subject to compliance with the conditions attached to this permission, the development would generally accord with the Development Plan as a whole. The Development Plan Policies considered in reaching this decision are set out above.

### **Recommendation**

121. **GRANT permission with the following 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, and the provision of a Unilateral Undertaking with the following terms**

#### **Obligations:**

- Heathland Mitigation measures (SAMM): £3233 heathland mitigation contribution (plus administration fee of £161.65) at commencement
- Recreational facilities (Playground and Pump Track): £66000 at commencement
- Social Affordable Housing: Housing to be 100% and in perpetuity



## Conditions;

**1. Development to be carried out in accordance with plans as listed**

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

Existing: Site survey plan 3283-P-02

Proposed: 3283-P-01J Site location plan proposed, 3283-P-03G Houses ground floor plan, 3283-P-04E Houses first floor plan, 3283-P-05E, & 3283-P-06E Houses elevations, 3283-P-07C Flats ground floor layout, 3283-P-08C Flats first floor layout, 3283-P-09D Flats second floor layout, 3283-P-10D, 3283-P-11D, 3283-P-12D, 3283-P-13D Flats elevations, 3283-P-14C refuse/waste/recycling plan 3283-P-15D, shadow diagram 1, 3283-P-16D shadow diagram 2, 3283-P-17D shadow diagram 3, 3283-P-18D shadow diagram 4, 3283-P-19 Flats roofscape, 3283-P-20C landscaping plan & 3283-P-21 sunlight/daylight plan

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

**2. On site working hours restricted when implementing permission.**

All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

**3. Method statement to be submitted to include operatives' car parking, noise reduction measures, storage of materials**

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

- a) parking arrangements for operatives and construction vehicles working on-site;
- b) noise reduction measures [including times of piling operations]; and the
- c) details and siting of equipment, machinery and surplus materials on the site.

The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.

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

**4. Implementation of the approved Arboricultural Method Statement**

The tree protection measures as detailed in the arboricultural method statement ref TR.LoWD.B prepared by KJF Consultancy Ltd as amended by 2 house & 9 flats unit scheme shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

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

**5. Hard Landscaping - larger developments**

Within 2 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works shall be submitted the Local Planning Authority. Hard landscape details shall include: (a) Lighting; (b) Bollards; (c) Seating; (d) Tree grills; (e) Other street furniture; (f) construction and services details in proximity to trees; (g) proposed finished levels and contours, and (h) a timetable for implementation.

No part of the development hereby permitted shall be occupied until the full details of the hard landscaping works have been approved by the Local Planning Authority and the approved hard landscape scheme shall be implemented in full prior to the occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

**6. Soft Landscaping - larger developments**

Within 2 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works shall be submitted to the Local Planning Authority. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e) programme of implementation.

No part of the development hereby permitted shall be occupied until the full details of the soft landscaping works have been approved by the Local Planning Authority and the approved soft landscape scheme shall be implemented in full prior to the occupation use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

**7. Landscape Maintenance**

Within 2 months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to the Local Planning Authority. The plan shall include details of the arrangements for its implementation. No part of the development hereby permitted shall be occupied until the landscape maintenance details have been approved by the Local Planning Authority, and the landscape management plan shall be carried out in accordance with the approved details.

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

**8. Noise Report**

No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and evaluate the noise from the A338 which is situated to the South East of the site. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS8233: 2014 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

All residential units should be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours 2
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

The report shall detail any required mitigation measures in order to meet the provisions of BS8233: 2014. The approved scheme including mitigation shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

**Reason:** In order to safeguard the amenities of nearby occupiers and to accord with the provisions of policies Cs38 and Cs41 of the Core Strategy Bournemouth Local Plan (2012).

**9. Remediation Scheme for Contaminated Land**

Before the commencement of the development the applicant or their successors in title shall submit for the written approval of the Local Planning Authority (LPA) a 'desk study' compliant with the model procedures for the management of land contamination (CLR11).

The desk study should develop a conceptual model (CSM) that identifies all plausible pollutant linkages, based on the site's historical and current use and that of the land immediately surrounding it; the likely ground and groundwater conditions underlying the site; and the site's proposed end use. The desk study should then carry out a risk assessment to determine to what extent any such pollution linkages have the potential to impact on future site users, controlled waters and the wider environment.

Any remediation measures identified shall be fully implemented before the development hereby permitted is first occupied. Any variation of the scheme shall be agreed in writing by the LPA in advance of works being undertaken. On completion of the works the applicant or their successors in title shall provide written confirmation to the LPA that all works were completed in accordance with the agreed details.

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

**10. Access, Turning/ Parking**

Prior to the occupation of the development hereby approved, the access and areas for turning & parking including the marking out of spaces shown on the approved plan shall be constructed in accordance with the approved details and permanently retained and kept available for the residents and visitors of the development hereby permitted at all times.

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

**11. Cycle store to be erected prior to occupation**

Before the occupation of any part of the development hereby approved, the cycle facilities shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

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

**12. Access cycle network connectivity**

Prior to first occupation of the development hereby approved:

a) details of the following works as shown on the approved drawings shall have been submitted to the satisfaction of the Local Planning Authority:

- 1.The construction of a 3m wide machine laid path connecting Wilkinson Drive to the cycle route adjacent Wessex Way
- 2.The construction of a 3m wide machine laid path connecting Cheshire Drive to the cycle route adjacent Wessex Way
- 3.The installation of a motor vehicle access control bollard(s) at the northern access point to prevent unauthorised access to each pedestrian/cycle route

b) The approved details shall be implemented in full prior to first occupation of the development.

**Reason:** These specified works are considered necessary for providing the necessary highway infrastructure improvements to mitigate the impact of the proposal and to accord with the provisions of policies CS16 and CS18 of the Core Strategy Bournemouth Local Plan (2012).

**13. Provision of Refuse Bin Store**

The bin store hereby approved shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

**Reason:** To preserve the visual amenities of the locality in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**14. Surface Water Drainage (SUDS Implementation)**

Before the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:

- a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
- b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run off.
- c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

**Reason:** To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy

(October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

**15. Prior Approval of Materials**

Details and/or samples of the external facing materials to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

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

**16. Retention of garden areas/communal amenity space**

The existing garden areas including the communal amenity space for the apartment development shall be retained in perpetuity and not subdivided or enclosed, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To retain adequate amenity area for the residents of the premises in accordance with the Local Planning Authority's adopted policy and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**17. Implementation of the approved ecology/biodiversity report & measures**

The ecology and biodiversity measures as detailed in the Biodiversity, mitigation and enhancement plan and Ecology Report prepared by KJF Consultancy ref: P1.S.PEA.LoWD.B both dated 15/04/2019 shall be implemented prior to occupation or a timetable agreed with the Local Planning Authority prior to occupation and once provided the measures shall thereafter be retained with damaged items replaced unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure biodiversity and ecological resilience in accordance with the provisions of policy CS35 of the Core Strategy Bournemouth Local Plan (2012).

**18. No Permitted Development for Enlargements of the dwellings including roof additions, extensions, rear windows and outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements of the dwellings including roof additions, extensions, rear windows and outbuildings shall be constructed without the grant of further specific planning permission from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**19. Details of renewable energy facilities - heat pump and photovoltaic array**

The development hereby approved shall not be occupied until details of the siting, design form and appearance of the heat pump and photovoltaic arrays shown on the approved plans have been submitted to the satisfaction of the Local Planning Authority. The facilities shall be implemented in accordance with the approved details and shall be retained thereafter unless otherwise replaced by suitable alternatives and subject to the prior agreement of the Local Planning Authority.

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

**20. Implementation renewable energy measures**

The development shall be carried out in accordance with the sustainability and energy measures set out in the approved scheme and accompanying Energy Statement prior to the first residential occupation of the development and retained and maintained thereafter. Within six months of first occupation of any of the development, written confirmation that the implemented measures set out in the Energy Statement achieve the minimum standards of Policy CS2, and/or details of any additional measures required to meet the minimum standards of Policy CS2, shall be submitted to and approved in writing by the Local Planning Authority. Any additional measures, if required, shall be implemented within six months of their approval and once provided thereafter retained.

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

**21. Informative Note: Privately managed estate roads**

INFORMATIVE NOTE: As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company

**22. Informative Note: Unforeseen contamination**

INFORMATIVE NOTE: If during site works unforeseen contamination is found to be present then no further development shall be carried out until the developer has consulted the Local Planning Authority. The contamination will need to be assessed and if necessary an

appropriate remediation scheme agreed with the Local Planning Authority.

**Background Documents:**

**Case File – ref 7-2020-8467-AO**

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

**Additional Background papers:**

Playground Strategy – Bournemouth Council



