

Planning Committee

Application Address	Former Coal Yard, Ashley Road, BH1 4NB
Proposal	Erection of a building for use as a builders' merchant (sui generis) for display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage area along with storage racking, access and servicing arrangements, car parking, landscaping, means of enclosure and associated works
Application Number	7-2021-1221-M
Applicant	TP Property Company Limited
Agent	Quod
Ward and Ward Member(s)	Boscombe East & Pokesdown Cllr George Farquhar and Cllr Andy Jones
Report Status	Public Report
Meeting Date	17 February 2022
Summary of Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	Cllr George Farquhar Cllr Andy Jones - Call In Formal call in on grounds relating to risk to public safety from increased HGV/commercial van traffic, given proximity to local school; loss of resident's parking on North Road; and queries regarding the need for future access to the disused railway station platform and site.
Case Officer	Franc Genley

Executive Summary

Summary of Key Issues

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

Objections were received from 0 individual addresses; 2no. Elected Members contacted the Case Officer to express highway safety concerns and requesting the decision be made at Planning Committee. Details are provided within the consultation section of the report.

Principle of Development

Although the use as a builders' merchants site does not fall within the categorisation of the new Class E employment uses (which replace Class B), this is because case law has defined it as a 'Sui Generis Use

Class under the Use Class Order 1987 (as amended). The proposal however, is for an employment use having a retail function, open to members of the public and trade. There is no principle objection to the development.

Design, Scale and Appearance

The 2-storey height, appearance and scale of the proposal is considered acceptable. Material choices, colour finish and the overall design approach is considered to be of a high standard.

Impact on Residential Amenity

The development would allow for sufficient separation distances with neighbouring properties surrounding the rear of the application site. The building is positioned so as to shield some of the view of the open racking and sales area from houses on North Road. Landscaping and additional tree planting will supplement this barrier. Impacts on daylight and sunlight to neighbouring properties, and overshadowing to neighbouring external amenity spaces, have been assessed and considered acceptable. Conditions in respect of hours of opening and yard activity are proposed to protect neighbour amenity during more sensitive hours.

Transport Considerations

Cycle and vehicular parking is considered to meet SPD standards. Pedestrian access via a dedicated footpath into the site would satisfy requirements. Visibility splays and access arrangements would satisfy requirements. On site servicing and circulation space is sufficient. Safeguarded areas are provided for future pedestrian connection to railway platforms. Land is set aside for adoption by the Council through legal agreement. S278 works would be agreed via S106 agreement regarding the adoption of verge to the front of the site together with the closing up of a redundant access point and an off-site contribution towards Ashley Road highway improvement works. A Travel Plan is included. Conditions set restrictions on construction traffic access and hours, and propose two 1-hour periods during the morning and afternoon school runs when deliveries using >7.5t lorries would be prohibited from arriving at or departing from the site.

Environmental Health Considerations

Conditions to be secured ensuring appropriate safeguards in terms of noise and vibration, air quality, noise, contaminated land and the construction process.

Sustainability and Energy

A BREEAM report has been submitted with the application and a condition to secure the predicted 'Very Good' Score has been recommended.

Flood Risk and Drainage

The site is located in a Flood Zone 1 area and therefore has a low risk level of any potential flooding. The development would not result in additional surface water run off from the site. Mitigation measures to manage surface water drainage have been reviewed and a condition has been recommended requesting the final details of the finalised mitigation measures.

Trees and Landscaping

Tree works are proposed. No significant harm has been identified within the submitted Arboricultural Impact Assessment. Conditions are recommended to ensure compliance. Tree planting is proposed and conditions will address the delivery of these, along with hard and soft landscaping.

MONITORING

Floorspace figures: Whole building comprises 1,965sqm of enclosed roofed space. Ground floor comprises 1,338sqm commercial builder's trade station, first first-floor element comprises 506sqm of ancillary office and storage space. A 228sqm, fenced tool hire enclosure is proposed adjacent to the building.

Description of Proposal

1. Full planning permission is sought for the erection of a two-storey rectangular building for use as a builders' merchant (sui generis Use Class).
2. The use of the building and associated site would comprise interior and exterior areas for the display, sale and storage of building timber, plumbing supplies, plant and tool hire. Outdoor areas would host display sales and storage areas in the form of racking. Other external areas would be laid out to accommodate landscaping, car parking, service and circulation areas. Proposal comprises 1,965sqm of enclosed roofed space with external racking around the site (max racking height when loaded, 5.5m). The ground floor of the proposal comprises 1,338sqm commercial builder's trade station of which 100sqm would house an ancillary joinery. Whilst the building is two-storey, the first-floor element comprises just 506sqm, intended as ancillary office and storage space. These figures include stairwells, circulation space and staff facilities. A 228sqm, fenced tool hire enclosure is proposed adjacent to the building.
3. The building would sit along the southern edge of the site parallel with North Road, set in between 4.7m and 5.4m from the boundary of the site that runs along the overgrown fence-line at the back edge of the narrow footpath to the northern side of North Road. The overgrown verge with trees sits within the demesne of the application site. The building would present a two-storey elevation approximately 65.6m long to North Road, sitting directly opposite house numbers 18-42 North Road and run northwards approx. 21 m deep into the site. The elevation would rise approx. 6.4m from ground to eaves level and a further 1.3m to its shallow ridge, giving a total height of 7.7m from ground to ridge.
4. Racking and open storage areas for the display and sale of building and plumbing wares are proposed to the north of the building, running up to the railway line in a block arrangement intersected by access roads and 11no. customer parking spaces and marked crossing points. To the east of the building in the end corner, 12m deep open storage would sit against the eastern boundary, with a 34m wide 21m/26m deep service and turning area indicated between building and open storage. To the west of the building a 3m high fenced area is proposed to enclose an outdoor area approx. 26m wide and 9m deep for large tool hire. The fenced area would be set back approx. 14.4m from the extant (overgrown) boundary fencing on North Road, or approx. 9.6m further in from the southernmost part of the proposed two storey building.
5. The existing access would be closed and relocated approximately 30m to the north of the junction with North Road to avoid conflict with the northbound bus stop on Ashley Road. Within the site the roadway narrows to a single lane and a one-way system is proposed other than to access the customer parking. Pedestrian access would be provided from Ashley Road by way of a dedicated kerbed footpath outside the site and demarcated walkway within. Provision for future vehicular access to the railway is shown to the north eastern corner of the site. Space for a 3.2m wide walkway linking Ashley Road to the former railway station platform is shown in the North West corner of the site, along with a 1.5m wide easement along the northern boundary.
6. Parking arrangements as follows: 6 cycle spaces within a covered shelter, 1 long stay locker facing car park adjacent to large tool hire 'cage'; 16 staff car parking spaces to southern boundary, west of proposed building and 11 customer spaces. One of the customer spaces is marked as accessible. Goods loading/unloading will be possible via a series of roller shutters in the northern elevation of the building and a single shutter in the eastern elevation.

7. The exterior of the building would comprise of composite profile cladding, finished in dark green paint [Hollybush Chorus (BS14C39)] and Saffron Yellow corner trims. To the southern elevation facing North Road 4no. highlighted squares finished in straw colour (RAL 0807030) would be spaced evenly along the wall. All doors, fire-doors and roller shutters are to be finished in bright yellow (RAL 1033). In particular, 2no. fire doors would face North Road at ground floor level.
8. The first-floor windows facing south (4no.), west (2no.) and north (3no.) at the western end of the building would serve a 26m wide first floor commercial / administrative space. The 4no. openings to the office facing North Road would all be fitted with mirror film to address privacy concerns. All other windows would be high level with no corresponding floor level. Window frames are shown as being finished in dark green to match walls. The roof would comprise a composite system finished in Goosewing Grey (BS 10A05). 14no. roof lights are proposed in each face, with 6no. photovoltaic panels on the western end of the southern roof face.
9. Site boundary fencing is proposed as follows:
 - Western: (Ashley Rd frontage, road gates / footgate) - 2.4m high security fencing;
 - Southern: (North Rd frontage) 2.5m high wall retained, new 2.4m fencing as above;
 - Eastern: 2.4m high security fencing;
 - Northern: Network Rail Standard Security Fence
10. Within the site, 55no. TPO Protected Trees will be felled to enable the development to take place. The extant boundary planting to the North Road and Ashley Road frontages, including the trees within those areas are to be retained. A Landscaping Scheme is proposed that includes gap infill tree planting within those two areas.

Description of Site and Surroundings

11. The application site comprises a 1.25 hectare brownfield site located to the east of Ashley Road, to the south of the main Weymouth to London railway line and to the north of North Road in the Boscombe area of Bournemouth.
12. As recently as 25 years ago, the site used to operate as a coal yard until it closed permanently. Since then, a small part of the site has been used as a car wash but the majority lies derelict and remains a partially hard surfaced eyesore with increasingly unmanaged flora overtaking the edges of the site.
13. The surrounding context comprises a mature, dense and urban grain characterised by residential properties to the west and east of the site. To the north is the railway line and immediately beyond that are commercial premises and a local school.
14. Facing residential properties on North Road, and adjacent Wolverton Road take the form of two-storey semi-detached and detached period dwellinghouses situated towards the front of narrow plots with only limited spaces between properties. This creates a strong sense of enclosure to the local roads and the sense of an established and mature residential area.
15. Ashley Road is a local distributor road and this status is further characterised by a mixture of residential and commercial properties of varying architectural style and scale (both two and three storey in height). A short walk to the south of the application site is Boscombe High Street, offering a variety of retail and leisure services. Kings Park is a short walk to the north of the application site. The site is located close to the bus hub at the back of the Sovereign Shopping Centre. The site is therefore located in a highly sustainable location.

Relevant Planning History:

16. Comprising:
- **7-1995-01221-D** – Erection of a single storey office building and 6m high storage rack and formation of parking spaces – **Approved** 20.12.1995
 - **7-1998-01221-E** - Change of use of land to car sales and ancillary car letting/leasing and siting of a portacabin – **Approved** 23.11.1998
 - **7-2001-1221-I** - Change of use from car park to storage of sand & aggregates – **Withdrawn** 21.03.2001
 - **7-2008-1221-J** - Change of use from car park to commercial car wash with static office/bay facility – **Approved** 28.08.2008
 - **7-2016-1221-K** - Erection of boundary fencing – **Withdrawn** 12.09.2016;
 - **7-2017-1221-L** - Outline submission for the erection of 60 dwellings, community facility with associated parking and access – **Approved** subject to s106, 30.11.2018
 - January 2021 - A pre-application enquiry for Builder's Merchants. Current application resulted from this enquiry.

Constraints

17. The site is subject to the following known constraints:
- a) The proposed site is an allocated employment site in the Core Strategy (Policy CS26) and identified as such on the Proposals Map. The policy affords this site some protection from non-commercial uses;
- b) The nearest recorded landfill is 215m north of the site and is stated as having been operational between 1945-1954. The site's historic use was as a coal yard, alongside the Victorian era railway cutting. Flytipping, soaps and detergents from the car wash facility may have further contaminated the land;
- c) There is an electrical sub station to the eastern end of the site, in between the site and no. 130 Wolverton Road;
- d) Network Rail operate the adjacent railway line and there is an obligation to consult this statutory undertaker; and
- e) Network Rail have previously notified the Council that no development of the site should stymie future opportunities to reopen the former railway station, setting out a requirement for an easement and identification of a pedestrian connection.

Public Sector Equalities Duty

18. 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.

Other relevant duties

19. a) Biodiversity or Habitats are a material consideration in this case. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this

application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.

- b) The LPA has a duty to consider the impact a development may have on crime prevention through careful design, and the promotion of natural surveillance and dark hour lighting.
- c) 55 of the TPO Trees within the site are to be removed.

Consultations

20. These statutory consultees were formally consulted, responding as follows:

Network Rail – raise no objections subject to an informative

- The informative should make the applicant/developer aware of the legal requirement to contact NR Asset Protection team in advance of any works commencing, due to the operational safety requirements of the adjacent railway.
- NR have long term aspirations to re-open the Station and request existing easement shown on proposed Block Plan (drawing no. 16775-113 Rev D) is maintained to ensure that development of site does not prejudice re-instatement of platform/station here.

Tree Officer – No objection subject to conditions
(comments form part of Tree Impact section of assessment)

Ecology Officer – No objection subject to conditions
(comments form part of Ecology & Biodiversity section of assessment)

Natural England – Raise no comments and offer standing advice
(comments form part of Ecology & Biodiversity section of assessment)

Highways – Following revisions, no objection subject to conditions, and an appropriate legal mechanism to secure necessary highway benefits.

Waste & Recycling - No objection subject to conditions

Regulation (Contaminated Land) – No objections subject to conditions
(comments form part of Contaminated Land section of assessment)

Regulation (Air Quality / Noise) - No objections subject to conditions
(comments form part of Neighbouring Amenity section of assessment)

Regulation (Light Pollution) - No objection subject to conditions
(comments form part of Neighbouring Amenity section of assessment)

Crime Prevention Design Officer – no objection subject to conditions
(comments form part of Neighbouring Amenity section of assessment)

Lead Local Flood Authority (LLFA) – No objections following amends, subject to conditions
(comments form part of Neighbouring Amenity section of assessment)

Wessex Water – No objections subject to easement condition

- Initial holding objection removed following amended layout providing easement access to own infrastructure. Request conditions/informative securing access at all times.

Dorset and Wilts Fire & Rescue – No objections and offer standing fire safety advice in relation to Building Regulations.

Representations

21. 7no. site notices publicising the receipt of the proposal were posted in the vicinity of the site on the 08.02.2021 with an expiry date for consultation of 02.03.2021. No responses were received from any neighbours.
22. Councillor Andy Jones wrote in to comment on the provision within the plan to reserve space for a link to the railway station. Further to this, the Cllr also made a formal request for the case to be called in on grounds relating to risk to public safety from increased HGV/commercial van traffic given proximity to local school; and loss of resident's parking on North Road. Councillor Farquhar also wrote in with similar comments, but as Cllr Jones had already request a call-in, Cllr Farquhar did not need to repeat the process.

Key Issue(s)

23. The key issue(s) involved with this proposal are:

- *Principle of Use/ Development*
- *Impact on future Boscombe Station access*
- *Impact on Trees*
- *Impact on Ecology & Biodiversity*
- *Impact on Neighbouring Amenities*
- *Impact on Highway Capacity & Safety*
- *Impact on Flood Risk and Drainage*

These issues will be considered along with Other Matters in the Planning Assessment.

Policy context

24. Local documents:

Bournemouth Core Strategy (2012)

CS2: Sustainable Homes and Premises
CS3: Sustainable Energy and Heat
CS4: Surface Water Flooding
CS5: Promoting a Healthy Community
CS6: Delivering Sustainable Communities
CS16: Parking Standards
CS17: Encouraging Greener Vehicle Technologies
CS18: Increasing Opportunities for Cycling and Walking
CS21: Housing Distribution Across Bournemouth
CS26: Protecting allocated employment sites
CS27: Protecting Unallocated Employment Land
CS30: Biodiversity and wildlife habitat
CS33: Heathland
CS38: Minimising Pollution
CS41: Quality Design

Development Plan Documents.

Public Realm Strategy: Guiding Principles - SPD
Sustainable Urban Drainage Systems (SUDS) - PGN
PGN Dorset Heathlands Planning Framework SPD 2015
Bournemouth Parking 2021 – SPD

Boscombe and Pokesdown Neighbouring Plan 2019

BAP1: The scale and density of development
BAP2: Good design for the 21st century
BAP10: Site Allocations

25. National Planning Policy Framework 2021 (“NPPF” / “The Framework”)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions 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 of this Framework taken as a whole.”

The following sections of the 2021 revised NPPF are also relevant to this proposal:

Section 5. Delivering a sufficient supply of homes
Section 6. Building a strong, competitive economy
Section 8. Promoting healthy and safe communities
Section 11. Making effective use of land
Section 12. Achieving well-designed places
Section 15. Conserving and enhancing the natural environment

Planning Assessment

Principle of Use / Development

- 26. The proposed site is an allocated employment site in the Core Strategy and identified as such on the Proposals Map. Policy CS26 therefore applies which protects allocated employment sites. The policy allows exceptionally for other employment development outside Class B1, B2 or B8 (since its adoption the Use Class Order now groups these under Class E uses) provided that they do not compromise the activities or integrity of the employment area and meets certain criteria.
- 27. Notwithstanding this, outline planning permission for 60 dwellings and a community facility was approved on 30.11.2018 (ref 7-2017-1221-L). Although contrary to planning policy

CS26, evidence was provided on the difficulties of delivering employment uses on this site after a vacancy period of 15 years. Combined with site accessibility constraints these formed substantive material considerations in the determination of that application. The 3-year time limit for the 1221-L permission lapsed in November 2021, without Reserved Matters having been submitted.

28. The proposal seeks permission for a Travis Perkins Builders Merchants (comprising a sui generis use). Supporting documents reference existing Travis Perkins branches within 2.5 miles of the site (at Windham Road and Jameson Road); and indicate that one/both branches would be closed if this were to be granted permission. Whilst not categorised as a Class E use, the proposed 'builders merchant's' use comprises 'another employment development outside Class B1/B2/B8'. Accordingly, subject to fulfilling the further criteria set by policy, the proposal would conform with the central aim of policy CS26. In this regard, whilst housing supply is a critical issue, permission has expired and premises to supporting the construction industry that builds the houses, and thus local economy are also important.
29. Related to the above the site has been more recently allocated for development by way of policy BAP10 in the Boscombe and Pokesdown Neighbourhood Plan [BPNP] (which comprises an up-to-date plan that was adopted on 5 November 2019). The site is identified as 'SA3' on the Proposals Map. Policy BAP10 states that 'Development of sites in accordance with indicative uses and amounts set out in Table 12 will be supported.' While Table 12 of the BPNP identifies this site as capable of hosting 50 – 60 dwellings, it does indicate that other acceptable uses would comprise 'open space, a transport hub and active commercial uses at ground floor level'.
30. When assessed in the context of the Core Strategy, Policy CS26 offers protection for sites allocated for employment use, which this site is. Whilst the Neighbourhood Plan is more recently adopted than the Core Strategy (2019 as opposed to 2012) Neighbourhood Plan policy BAP10 does not remove the employment use allocation but introduces that the principle of housing would also be appropriate on this site. Further viability information has been submitted by the developer to evidence the unlikely circumstances that would need to arise for the site to deliver viable housing. Consequently, there is no objection on lack of housing delivery grounds to this proposal and the proposal would not be contrary to the Neighbourhood Plan which still supports the provision of an employment use on the site. The need for a building of these proportions and height is accepted and considered necessary to meet the needs of the business.
31. The two-storey height of the building would allow moisture sensitive products such as plaster, MDF, cement, timber, fibrous and electrical items to be stored in the dry and in sufficiently stacked quantities on site to meet local demand. Replenishment of the stock is also undertaken by forklift and other such machinery, requiring turning space and sufficient height to operate safely. The joinery is intended to be operated by the same operator as the main builder's store, Travis Perkins, who are also the applicant.

Impact on future Boscombe Station Access

32. The Highways team comment that saved policy (Policy 8.20) in the DWLP (2002) supports BCP's long-standing objective to re-open Boscombe railway station. Any redevelopment should ensure sufficient space is reserved for the construction of a new platform alongside the railway and provision should be made for adequate servicing. The previous permission 7-2017-1221-L included a condition to secure these details. As set out in paragraph 5 of this report, the proposals now include drawn details of reserved space for a 3.2m wide walking linkway from Ashley Road to the former platform, a 1.5m easement along the railway edge

and a vehicular access point through the site. It is recognised that provision of car parking for a reopened station is no longer a key requirement therefore a pedestrian only link is acceptable. Both the easement and the pedestrian access should be dedicated to the LHA by way of an appropriate legal mechanism to ensure delivery. The proposed gap in racking should be conditioned to remain free of obstruction for the lifetime of this development to enable construction access if and when needed.

Trees

33. The revised tree assessment documents have been reviewed by the Tree Officer. The loss of 55 TPO Trees within the site is offset by the retention and augmentation of all trees and other vegetation to the North Road boundary of the site. The additional tree planting where there are gaps will provide good screening and visually soften the boundary when viewed from outside the site.
34. It is also considered that the Ashley Road frontage would undergo robust and attractive landscaping as part of the proposal. Large new trees are proposed for a more instant improvement in visual terms. This would significantly improve the visual amenity offered by this frontage. The Tree officer has some reservations about the use of grass on this frontage, as it may compete for moisture with the proposed hedging and trees, and deprive them of nutrient uptake. As the applicant has insisted on proposing grassed areas on this frontage, details of how these grassed areas are to be managed will be required by condition to ensure the establishment of the new hedge and trees is not hindered.
35. The area in which the trees and hedge are to be planted is not that large, so a condition requiring a detailed maintenance and long-term management scheme for these areas demonstrating how they are to be managed and maintained until establishment will be needed. The tree officer notes the absence of new trees or soft landscaping is proposed to the northern boundary with the railway and the eastern boundary. They consider that new planting to these areas would help mitigate the significant tree losses proposed across the site. The matter has been discussed with the applicant and it is accepted that tree planting immediately alongside railway lines has been discouraged by Network Rail for many years on operational safety grounds.
36. The absence of planting to the east has been so proposed as the provision of storage racking in that corner would prevent regular maintenance of any planting or trees, potentially causing amenity harm to neighbouring properties over time. The nearest houses do not directly border the site, and the street trees will offer some partial intervention with regards to softening the view.
37. There is uncertainty as to whether any work is proposed relating to the provision of the 3m wide station link path. The Tree Officer considers the group of trees adjacent to this area to be a fine group of trees, for which details of protection would be required before any tree or shrub clearance or ground breaking works to build out such a linkway commence. At this time, the pathway is intended to demonstrate that sufficient land is reserved for any future redeployment of the former Station use (see para 32). A condition will offer sufficient controls on this matter should that come to pass.
38. Subject to conditions to secure full compliance with the submitted arboricultural method statement; implementation of the submitted soft landscape scheme; a detailed long-term management and maintenance scheme for the soft landscape areas (in particular, addressing the proposed hedge/tree maintenance relative to the grass on Ashley Rd); and

the preclusion of development adjacent to the station link, the proposal would satisfy the aims of the relevant policies.

Ecology & Biodiversity

39. Paragraph 174 of the NPPF 2021 states “Planning policies and decisions should contribute to and enhance the natural and local environment by: d) by minimising impacts on biodiversity and providing net gains in biodiversity where possible’.
40. Additionally, in determining this application the LPA has to bear in mind that under Section 40 Natural Environment and Rural Communities Act 2006 (NERC) “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. If a site supports protected species, then a licence would be required from Natural England along with appropriate mitigation scheme before construction commences.
41. The applicant has proposed Mitigation and Enhancements within their ‘Ecological Assessment Land at Ashley Road, Bournemouth’ study (author: Ecology Solutions; date Nov 2020) in respect of bats, hedgehogs, birds and invertebrates. The level of detail has been assessed by the LPA’s Ecology Officer and are considered appropriate for this application. The officer notes one override of the information within the study in that bat boxes shall be installed at height and aspect as given by Bat Conservation Trust. The delivery of the mitigations as amended can be secured by way of condition.
42. Similarly, the programme of works to remove the TPO (and non-protected) trees within the site will need to comply with the requirements of the Wildlife Act 1981 in respect of bird nesting seasons. A condition to preclude felling or tree work between March and August, unless details are previously submitted to and agreed in writing by the LPA, should be attached to any consent.
43. Subject to the above conditions the proposal would contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity in accordance with policy CS30 and the aims of the NPPF.

Impact on character and appearance of the area

44. Core Strategy Policy CS6 requires good design principles for new buildings, regard for how spaces are treated, and enhancement of features that contribute to an area’s character and local distinctiveness. Policy CS21 requires good design and for proposals to enhance the quality of the street scene. Policy CS41 is similar and relates to securing good design.
45. Following feedback from the LPA’s Urban Design team, revisions have been made to some of the elevations to introduce green colour finish to the exterior; to inset obscure glazing in the southern elevation; and augment the number of trees (filling in existing gaps) on the boundary with North Road. These measures are considered sufficient to offset the impact of the building’s length on the street scene and structures such as this are not so unusual in the suburban hinterland to be considered alien or out-of-keeping. The building would assist in shielding the facing houses from regular railway noise.
46. The elevational treatment of the proposed exteriors reflect their commercial function rather than the brickwork and steeper pitched roofs present in the surrounding domestic properties. To reflect the vernacular or materials of local houses would confuse the commercial identity of the proposed development. Sufficient material and colour variation has now been

incorporated into the southern elevation to assist in breaking up its length and visual mass. The visual impact on North Road would be further diminished by the extant landscaping buffer, particularly as a robust landscaping scheme proposes additional semi-mature tree planting along this boundary.

47. Subject to the application of conditions to secure these aspects are delivered in a satisfactory way the proposals would have a satisfactory impact on the character and appearance of the area, sufficient to comply with policies CS21 and CS41.

Neighbouring Amenity

Neighbouring Amenity - Outlook, Privacy, Daylight

48. The impacts are assessed in respect of the following groups of properties:

Houses and business on southern side of North Road (south of site)

49. The frontages of houses on North Road, facing the site would sit between 16.5 and 17.6m from the 2-storey high rear elevation of the proposed building. The interface distance would be offset by the existing 2.4m wide planting buffer, the trees and shrubs that sit within it and augmented by additional semi-mature tree planting (to be conditioned) in the gaps that do exist (within the western sections of the boundary). The first-floor windows that do exist either light high-level space with no floor (the eastern end of the southern elevation), or are obscure glazed and light ancillary first floor office and storage space (at the western end of the southern elevation). Subject to 'in perpetuity' conditions to secure obscure glazing on the windows to the office space, there are no privacy concerns resulting from the development. The site would sit to the north of the houses, blocking no sunlight and of a suitably low enough height to have no significant impact on the quantum of daylight received by the domestic front windows.

50. Subject to the addition of conditions to secure materials; obscure glazing; tree planting; restrict racking height; and remove any current or future PD rights permitting insertion of further windows or doors without the need for planning permission, the interface distance between domestic and commercial elevations would be satisfactory. The issue of overnight site lighting is assessed later in this section.

51. Subject to conditions, the impact of the proposals on amenity enjoyed by North Road homes would satisfy the aims of policy CS41.

Houses on northern side of Wolverton Road (to east of site)

52. The racking across the external parts of the site are proposed to a maximum loaded height of 5.5m from adjacent ground level. The section of racking nearest to these homes would be set at right angles to the adjacent rear garden boundary. The racking would be approximately 11m deep, set 1m in from the eastern site boundary which runs alongside that of an Electrical Sub Station installation. 130 Wolverton Road, sits near the Sub Station but does not share an ordnance survey defined boundary with the site. The closest point of no.130 would be the windowless detached single storey rear garage, sitting approx. 7.5m from the nearest part of the racking. The closest ground floor window would be approx. 18m from the racking and the closest first floor window approx. 22m from the racking. In each case, the racking would appear on the left hand field of vision, behind existing mature trees and fencing. Beyond the 1m of racking, the adjacent service yard would comprise a 34m width of concrete, buffered by trees along the southern boundary.

53. Given the angle and distance from the nearest habitable room window, and the height of the racking, the amenity enjoyed by residents both within habitable rooms and from their rear

garden would not be significantly harmed. Being to the northwest of no. 130, the site would not block sunlight to the adjacent gardens or homes. The distance to the building is such that its height will cause no discernible reduction in the late afternoon sunshine that may be received from the west.

54. There are no objections citing amenity impact from neighbours in these houses. Subject to the addition of conditions to secure materials and obscure glazing, restrict racking height and remove any current or future PD rights permitting insertion of further windows or doors or changes of use; the interface distance between domestic and commercial elevations would be satisfactory. The issue of overnight site lighting is assessed later in this section.
55. Subject to conditions, the impact of the proposals on amenity enjoyed by Wolverton Road homes would satisfy the aims of policy CS41.

Homes to western side of Ashley Road and north of Tower Rd (to west of site)

56. The front windows of homes on Ashley Road are sited at a distance in excess of 78m from the proposed building. Whilst the closest areas of the car park and outdoor racking areas would sit 26m from the nearest sensitive residential elevations, these properties sit alongside a busy road and are elevated above the site as the road rises to the railway bridge. Landscaping provided along the Ashley Road frontage is to be augmented and appropriately conditioned to secure the trees that are indicated on plan, the scheme has the capacity to satisfactorily soften the appearance of the redeveloped site when viewed from windows in Ashley Road homes.
57. Subject to the addition of conditions to secure landscaping and tree planting details; restrict racking height; the layout of the site, position and height of the racking, and the position, scale and appearance of the proposed building would be satisfactory. The issue of overnight site lighting is assessed later in this section.
58. Subject to conditions, the impact of the proposals on amenity enjoyed by North Road homes would satisfy the aims of policy CS41.

Neighbouring Amenity – Noise and Artificial Lighting

59. A number of issues capable of impacting on neighbouring amenity have been considered by the Environmental Health (EH) team.

Operational Noise

60. The use of the site for the intended purpose will bring with it noise associated with the operation of on-site forklift and loading equipment; delivery/service vehicle manoeuvring; and the customer vehicles parking and loading. The scheme has been designed so that the building and existing boundary landscaping would form a noise buffer to the houses situated to the south, and west. The noise impacts of the proposed use have been considered against the existing background noise levels of the adjacent-to-railway-line site in an acoustic survey. Six Fujitsu external heat pumps are proposed to the rear elevation, facing south towards houses on North Road. Section 7.3 of the acoustic survey acknowledges these pumps involve noise disturbance and suggests three mitigation options to address the issue. Environmental Health are satisfied that a condition is capable of securing either the relocation of plant; enclosure of plant; or the re-specification of plant prior to its installation, eradicating the risk of (noise) amenity harm.
61. Similarly, a condition can control the hours of opening, outdoor operations and loading/unloading to limit noise spread to the adjacent dwellings in the quieter hours. Further conditions to: limit the height of the outdoor racking to 5.5m; secure the delivery of the

proposed tree planting and landscaping scheme; and restrict the use of the service yard from being used for sales activity, would help ensure that the impacts of commercial noise and activity do not increase or spread further eastwards. No impacts on the amenity or viability of the adjacent car sales business have been identified.

Lighting

62. External lighting is proposed around the building and perimeter on both operational safety grounds for the darker months and on security grounds in response to comments from the Crime Prevention Design Officer. The applicant has produced an External Lighting Report setting out light spill levels and mitigations to ensure any resulting light intrusion into windows of neighbouring property is below 1 lux. The EH team have recommended conditions to control this aspect, along with conditions requiring lighting to be turned off between 19.00h and 07.00h; restricting the further provision of any additional overnight security lighting not already shown; and no additional lighting within the site, nor PIR activated lighting without the further grant of planning permission or variation of condition. These are considered necessary to allow the LP to assess impacts of any further illumination before installation.
63. The access road is so designed that no houses would be affected by the headlight sweep of any approaching or departing traffic. The position of the building and proposed hours of opening would also limit the scope for any such headlight sweep. Similarly, illumination from service vehicles within the service yard would be sufficiently restricted by hours of operation conditions and landscaping to avert intrusion into the evenings, overnight or early morning periods. Planting along the southern boundary will be augmented (by condition) to further limit the scope for service yard lights to be seen from houses on North Road. No impacts on the amenity or viability of the adjacent car sales business have been identified.

Conclusion to (Neighbouring Amenity)

64. It is considered that proposal would represent a reasonable and well composed scheme. The building height, scale, depth, proximity to the boundary, appearance and glazing solutions would result in well positioned building with balanced proportions and complementary landscaping. The layout of the site, including position and height of racking and vehicular movement around the site are also acceptably arranged. All remaining issues in need of oversight can be satisfactorily controlled by the range of conditions detailed above. Additional conditions would also be needed to:
- secure a Construction Environment Management Plan to govern the construction phase of the development.
 - remove any permitted development rights for the insertion of windows, filling in of the outdoor caging, or covering of any outdoor racking/storage area; and
 - remove any permitted development rights for temporary alternative uses of the car park or permanent changes of use of the building to any other use class afforded to sui generis uses in any future GDPO changes.
65. Subject to these conditions, the proposal would not harm the amenity of adjacent or surrounding residents and comply with policies CS38, CS41 and BAP1 and BAP2.

Highway Capacity & Safety

66. Core Strategy Policy CS6 seeks to deliver sustainable communities. Policy CS16 sets out parking standards, as amended by the recently approved BCP Parking Standards SPD (Jan 2021). Policy CS17 encourages greener vehicle technologies and Policy CS18 advocates support for development that increases opportunities for cycling and walking. During the lifetime of this application, the LPA have adopted the BCP Parking Standards SPD (Parking SPD) which reflect paragraph 105 of the NPPF. It is against this guidance that the proposal has been assessed. The cycle requirements have been updated in line with latest

government guidance (Local Transport Note 1/20) which strengthen the importance of good design for high quality cycle storage facilities.

67. The site is located within Boscombe just off Ashley Road (A3049) a major throughfare and County Distributor Road as well as being a high frequency bus route with 8 buses per hour in either direction. Ashley Road is used heavily by pedestrians, particularly school children attending the nearby primary school, and also by visitors to Kings Park and the football stadium as well as shoppers.
68. Resulting from recent revisions to the Highway Code, a new hierarchy of consideration is emerging requiring a pedestrian-first assessment, with vehicular aspects considered at the end. This is to help achieve a sea change in the way developments are accessed and help prioritise more sustainable methods of travel.

Access

69. The Local Planning Authority has a policy (Policy 8.1) as part of its list of saved policies from the District Wide Local Plan (DWLP) 2002 which seeks to close existing access on County Distributor Roads where alternative access can be secured. The existing access, forming a staggered crossroads with Tower Road, would be closed. The North Road access previously agreed as part of the outline housing permission has HGVs would be better served by way of the main road access. The proposed arrangements would satisfy policy.

a) Pedestrian & Cycle

70. The proposed related access is welcomed as it would avoid conflict with the northbound bus stop on Ashley Road. Adequate visibility splays can be achieved given the 85% percentile speeds expected. The site entrance has been amended to show a Charcon Dutch entrance kerb style arrangement with a 3m footway along the entire frontage. This is welcomed given the high number of pedestrians in the area particularly young children travelling during the AM peak period. The proposed arrangements would satisfy policy.]

b) Vehicular

71. The Parking SPD requires that in all new developments pedestrian visibility splays should be provided at vehicle accesses. The Highway Authority is satisfied that the above requirements could be secured in respect of the 4no. frontage bays and 1no. rear bay by an appropriate condition. The Updated entry/exit swept paths have been provided for a variety of vehicles demonstrating the access would safely accommodate the largest vehicles anticipated to visit the site and provide satisfactory visibility splays. The same tracking diagrams show the internal layout would also be acceptable. The proposed arrangements would satisfy policy.

Highway Improvements

72. The two historic LPA development control lines (Requiring carriageway/footpath widening) across Ashley Road and North Road affect the application through saved policy 8.42 and 8.43. The widening requirements (detailed in highways comments) would require the loss of significant planting and on this basis, both LPA and Highways officers have agreed that the DC line on North Road would not be taken forward. The requirement to improve Ashley Road remains and a widened footway to 3m is shown with a 4m landscaping buffer. This is welcomed and both the enlarged footway and landscaping area are required to be dedicated as public highway through an appropriate legal mechanism.
73. The Ashley Road Improvement Scheme (ARIS) for a widened, shared cycle footway was drawn up in 2016 giving greater priority to pedestrians at side roads through the use of continuous crossing and raised tables. The Govt approved Boscombe Towns Fund Bid (2021) included proposals for improvements to walking and cycling along Ashley Road. In

order to mitigate the effects of the proposed development, it is proposed that the applicant makes a contribution to the ARIS equivalent to the increase in pedestrians and cycles resulting from the development.

74. The ARIS 2016/17 costs, adjusted for 2021 using RPI equates to £1.62M and a proportionate contribution equivalent to the increase in pedestrians and cycles resulting from the development towards this scheme would be expected. Using figures supplied in the technical note and the TS the daily trip rate for motor vehicles to be site is estimated at 490 trips. Applying the mode share proportions an additional 160 active travel trips would be expected. Therefore, to mitigate the increase in vehicular trips arising from the development a contribution of £65,755.47 would be required, rising to £87,480 if the estimated 160 active travel trips (equivalent to 1.3%) are also included. As the Ashley Road Improvement Scheme will facilitate easier active travel it would be prudent to seek the contribution at the higher level. An appropriate legal mechanism would be required.

Parking

75. The adopted a Parking Standards SPD locates the site within Zone A. The proposed use is sui generis and the parking demand is thus calculated on a bespoke basis. Whilst the use could be comparable to 'sui generis wholesalers open to the public' (Table 33) in terms of parking demand, a more realistic comparison can be made to 'B8 Warehousing' (Table 4).
76. The proposal includes 27 car parking spaces, 11 for customers (one of which accessible) and 16 for staff. The proposal consequentially has an overprovision in relation to the LPA's parking standards. However, given the nature of the intended occupier there are no objections to this non compliance with the SPD. Furthermore, to better accommodate vans, the spaces themselves measure 6m x 3m for the visitors and 5.5m x 2.6m for the staff. The provision and layout would satisfy the SPD.
77. It is recognised that any car parking for a reopened station would not be key requirement therefore 0 provision is acceptable, subject to the conclusions of para 32 of this report.
78. Electric vehicle charging is expected to be in accordance with the LPA's Parking Standards SPD. This has a requirement for non-residential developments with more than 10 parking spaces for 30% active provision and 70% passive. For the proposal this equates to 3 active spaces for customers and 5 active spaces for staff, and the remainder passive. The submitted TS indicates a 10% active provision but discussions with the applicant are ongoing. The applicant has agreed to provide 4 active EV spaces and 4 passive EV spaces (all for staff). The developer has also agreed to power the Cycle shelter to permit recharging of 8no staff EV cycles. No passive cabling of the customer parking is proposed, and the applicant argues that the nature of the business means that customers are not on site long enough to benefit from charging stations. The lack of passive spaces falls significantly short of what the SPD requires, but the staff EV cycle recharging option offers reasonable mitigation for a use of this kind. In update on this matter will be provided in an addendum report before the meeting.

Cycle parking

79. The 6-space cycle store is located near the main entrance of the proposed units adjacent the layby. The provision and weatherproof structure are considered to satisfy the SPD.

Waste & Servicing

80. The bin volume allocation has yet to be specified but sufficient space is provided within the eastern end of the site to host bins before and during collection periods, away from the car park or circulation routes for pedestrians within the site. The access roads are a minimum of 5m wide and would be constructed of a highway grade suitable for HGV manoeuvres.

Sufficient room would be provided for the collection vehicle to turn and re-enter the highway in a forward gear. Dropped kerbs may be required within the site to serve bin movement. A commercial waste management plan (CWMP) has not been submitted but Waste & Recycling Officers are satisfied that this can be secured by condition requiring details be approved and delivered on site prior to first occupation.

81. The impacts of the proposal would be acceptable, having regard for paragraph 111 of the 2021 NPPF. Subject to conditions, the proposed access and egress arrangements for vehicles, cycles and pedestrians would satisfy the highway user safety and sustainable development aims of Core Strategy Policies CS6, CS16, CS17, CS18 and the BCP Parking Standards SPD (Jan 2021).

Traffic Flow

82. The Transport Statement (TS) sets out possible trip rates for the proposed development using comparable examples from other branches, and Census data and the previous residential permission, indicating that 4 members of staff would walk, and 1 cycle. However, as the housing was never built that data subset has been excluded. Thus, it is noted that the AM trips are predicted to be more intensive than the housing proposal, with the PM trips are slightly lower than the housing scheme. As the AM peak is typically 10% of the daily flow the daily trip rate can be estimated at 490 trips.
83. Whilst a sustainable travel plan (TP) accompanies the submission, it is recognised that the nature of the business is not likely to generate many non-van trips. Nevertheless, a condition should be imposed requiring the implementation of the TP and application in perpetuity to help encourage fewer staff car-borne trips to occur.

Conclusion (to Highway Capacity & Safety)

84. Subject to suitably worded conditions, and an appropriate legal mechanism to secure delivery/resolution of the highlighted elements, there are no policy conflicts on highway capacity or safety grounds.

Flood Risk and Drainage

85. The site sits within Flood Risk Zone 1, where low risk of flood exists. The land is not connected to the local drainage system and proposes revisions to the drainage arrangements on site. Following initial objections from the Lead Local Flood Agency (LLFA), the applicant has revised the on-site SUDS proposals with a Flood Risk Assessment and a Ground Investigation Report. The position and size of the hydrobrake-served underground attenuation tank has been revised (it would sit underneath the staff car park to the south west boundary of the site) along with amended surface water drawings. Following consideration of the revisions, the LLFA consider the evidence sufficient to remove their objection. Some minor details in respect of hydrobrake maintenance remain outstanding, but a condition can secure its submission.
86. Subject to the application of the above hydrobrake condition, and a further condition to secure the implementation of the SUDS system the proposal will satisfy the aims of the NPPF with regards to sustainable drainage.

Other matters:

Contaminated Land

87. With regard for the land contamination constraints set out in paragraph 17 above, the applicant has provided sufficient additional information to satisfy Environmental Health Officers. While it is their recommendation that standard contaminated land planning conditions should be applied to this site, they note that the provided information is sufficient to address points 1. and 2. of the standard conditions. Points 3 and 4 require remedial works and phasing details to be approved prior to first commencement below ground. A watching brief informative is also suggested to cover any instances of previously unencountered contamination becoming evident during construction. Subject to the condition and informative Policy CS38 would be sufficiently addressed in respect of land contamination.

Climate Change Mitigation

88. BCP and the Government have declared a climate emergency. Policies CS2 and CS3 seeks to secure the use of green technology and sustainable heating options in new developments. A separate BREEAM Report (Building Research Establishment Environmental Assessment Method) has been provided setting out a number of mitigations and approaches incorporated into the development to address and offset the carbon footprint and environmental impact of the development. Along with obvious things like the 6no. large solar panels solar panels shown on the south facing roof and cycle parking for staff; there is capacity to secure active EV charging facilities for 9no. staff vehicles and 1no. passive space for customers via condition.
89. Further mitigations set out in the BREEAM study predict that the building would achieve a score of 61.29% against the BREEAM 2018 v3 Environmental and Sustainability Standard. This translates into a BREEAM rating of 'Very Good'. This would satisfy paragraph 3.1.14 of Core Strategy policy CS1 To ensure that this follows through to delivery, a phased condition requiring further submissions is considered appropriate.

Heathland Mitigation

90. Further to paragraphs 39-43 of this report, for any proposal that may have a significant effect on a European Site protected by the Conservation of Habitats and Species Regulations 2017 a section must be included that assesses the issue of impact on such European Sites and identifies any mitigation that may be required. Where mitigation is considered necessary then the section must identify the form of that mitigation and how it is to be secured.
91. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation). Working in collaboration with Dorset Council and with advice from Natural England, BCP Council has adopted the Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document, the purpose of which is to set out the approach to avoid or mitigate harm to these protected sites. In this instance, it is considered that the proposal, having no domestic accommodation capable of increasing the number of domestic pets such as cats, is unlikely to have a significant effect on the Dorset Heathlands. Accordingly, no offset mitigation is needed.

Community Infrastructure Levy

92. The development proposal is liable to a community infrastructure levy charge.

Planning Balance / Conclusion

93. With regards to housing delivery, the Council does not have an up-to-date Housing Supply figure. Whilst there is a previous permission on the site for housing it has elapsed and can no longer be implemented as discussed in this report. Although the Neighbourhood Plan adds housing development as a supported use for the site, the same NP policy retains the parallel employment use designation bestowed by the Core Strategy. This scheme would deliver an acceptable sui generis use employment use, contributing to the local economy by way of construction phase jobs; permanent employment for staff working at and serving the new use; and financial contributions to the local economy by way of rate payments, provision of services to support the local building trade, including the public. Highway improvements would be secured through a contribution to ARIS.
94. Although the EV parking provision does not strictly satisfy the SPD requirements suitable arrangements have been proposed. Sufficient mitigations have been incorporated into the design, layout and appearance of the building and site and satisfactory conditions have been identified for attachment to any permission, to neutralise any latent potential for amenity, highway or environmental impacts. Subject to these conditions, it is considered that the scheme accords with most important aspects of the Development Plan: In this case being Policies CS2,3,4,6,16,18,26,30,38 and 41 of the Adopted Core Strategy (2012) and BAP1,2 and 10 of the Boscombe & Pokesdown Neighbourhood Plan (2019).
95. It is therefore considered that the proposal would accord with the provisions of the Development Plan when considered as a whole. With regard for the NPPF, the proposals would assist in delivering economic, amenity and environmental benefits in a safe, sustainable and well laid out development in accordance with chapters 6, 8, 9, 11, 12, and 15 of the National Planning Policy Framework (2021). The benefits of the scheme clearly support a view in favour of granting the proposal.

Recommendation

96. **GRANT permission subject to:**

- (a) the following conditions with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to alter and/or add to any such conditions provided any alteration/addition in the opinion of the Head of Planning (or other relevant nominated officer) does not go to the core of the decision; together with
- (b) a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the following terms with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:
- i) Dedication to the Local Highways Authority of the railway boundary easement, and 3.2m wide pedestrian access route to the former platform, (shown in orange hatching on plan 16775-112 Rev F) prior to first occupation;
 - ii) Dedication to the Local Highways Authority of the enlarged 3m wide footway and 4m wide landscaping area adjacent to Ashley Road (shown by way of green line on plan 16775-112 Rev F) prior to first occupation; and
 - iii) Financial contribution of £87,480 (index linked from decision notice date to payment date) to mitigate the impact of the increase in vehicular trips arising

from the development and help deliver the Ashley Road Improvement Scheme (prior to commencement).

Conditions

Approved Plan Numbers

1 In Accordance with Approved Plans

Location Plan (Red edged): 16775-100 Rev A
Proposed Block Plan 16775-111 Rev H
Proposed Site Layout: 16775-112 Rev F
Proposed Floor Plans: 16775-113 Rev D
Proposed Elevations: 16775-114 Rev D
Existing and Proposed Section: 16775-115 Rev C
Proposed Fence & Cycle Details: 16775-116 Rev E
Site Access Arrangements & Visibility Splays: CTP-19-852-SK01 Rev F
Access & Int. Swept Path Analysis (Estate Car) CTP-19-852-SP01 Rev F
Access & Int. Swept Path Analysis (6m Van) CTP-19-852-SP02 Rev F
Access & Int. Swept Path Analysis (10m Rigid) CTP-19-852-SP03 Rev F
Access & Int. Swept Path Analysis (16.5m Artic) CTP-19-852-SP04 Rev F
Proposed Lighting Layout: PN00447 Bournemouth Ashley Road TP & BMX V2.2 Rev C
Bournemouth External Lighting Report: 2022-TEW-RP-M-TP (BELR)-S0-P02

Precommencement Requirement

2 CEMP Construction management plan

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors, Council Road Safety Team and neighbouring residents, school and businesses.

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).

3. **Tree Protection (future railway access points)**

Prior to the commencement of any development (including tree or shrub pruning, clearance or ground-breaking works) in respect of the group of trees adjacent to the safeguarded pedestrian route to the former railway platform shown in orange hatching on plan 16775-112 Rev F, an arboricultural method statement and tree protection plan (including Root protection areas) for the construction period, shall have been submitted to and approved in writing by the Local Planning Authority (“the Protection Works”). The developer of the site shall inform the LPA of intended implementation date of the Protection Works in writing at least 7 days beforehand, providing a telephone and email contact for site operations. The approved Protection Works detailed on approved plans / statement shall be adhered to throughout the demolition/construction period and be removed once complete.

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).

Contaminated Land Remediation

- 4 Prior to the commencement of any below ground works, and having regard for the details set out in the approved Phase 1 and 2 Ground Investigation Report (Author: Soiltechnics Ltd; Ref. STS4985-G01 Rev 02, Jan.2021; Title: GIR, Land off Ashley Road, BH1 4NQ),
- a) (Phase 3). A detailed scheme is to be submitted to and approved in writing by the Local Planning Authority setting out any proposed remedial works and measures to be taken to avoid risk from contaminants / gases during construction.
 - b) (Phase 4). A detailed phasing scheme is to be submitted to and approved in writing by the Local Planning Authority setting out the timescales for the remedial works approved by way of part (a) above. The approved remediation scheme shall be fully implemented before the development hereby permitted is first occupied for the use hereby approved. Any variation of the scheme shall be agreed in writing by the LPA in advance of works being undertaken.

The schemes required by way of parts (a) and (b) above shall be prepared by a suitably qualified and competent persons.

Within 1 month of the completion of the remediation works, or in accordance with the timetable approved by way of part (b) above:

- c) A Verification Report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the LPA.

If the presence of any previously unencountered contamination that becomes evident during the development of the Site shall be reported to BCP in writing within one (1) week, and work on the affected area shall cease with immediate effect. At this stage, if requested by the BCP, an investigation and risk assessment shall be undertaken, and an amended remediation scheme shall be submitted to and approved by the Planning Authority prior to re-commencement works in the affected area. The approved details shall be implemented as approved. Following completion of the above remediation works a Verification Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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).

5 **BREEAM**

The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Very Good' and a minimum score no more than 2% lower than the threshold for the 'Very Good' rating.

- a) Within 10 weeks of the date of commencement of the development hereby approved a BRE Interim Certificate for the development shall be submitted to and approved in writing by the Local Planning Authority.
- b) Thereafter the development shall be carried out in accordance with the approved BRE Interim Certificate.
- c) Within 6 months of first occupation of the development hereby approved A BRE Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority

Reason: To have due regard for sustainability and the aims to reduce the environmental impact of the development in accordance with the aims of adopted Core Strategy policies CS2 and CS3.

6 **Ground Levels**

Prior to the commencement of any below ground development, a plan indicating the finished floor levels above Ordnance Datum of the building, and the finished site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels and shall not be first occupied until the levels have been secured.

Reason: To ensure that the development relates satisfactorily to its surroundings in the interests of visual amenity and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Construction Phase

7 **No Access Via North Road**

No vehicles or plant (including delivery and private contractor vehicles) involved in the construction phase of the development hereby approved shall be allowed on to or to depart from the application site other than via Ashley Road and not North Road.

Reason: To ensure that pedestrians and nearby residents are not exposed to highway risk and amenity harm during the construction process and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8 **Construction Traffic Hours (Safety)**

a) No construction vehicles, plant or contractor vehicles shall attend or depart from the site before 07.00h or after 18.30h Monday to Friday; before 07.00 or after 13.00 on Saturdays and not at all on Sundays.

b) Any articulated vehicle having more than 3 axles, and in excess of 25 tonnes weight, shall not make construction related deliveries to, or despatch construction materials or equipment from the site between the hours of 08.30h and 09.00h, nor 15.00h and 15.30h, Monday to Friday during school term opening times at: Kings Park Academy (Station Approach); St.Clements & St. John's Primary School (St. Clement's Rd) unless the manoeuvre into or out of the site from/to the public highway is accompanied by a walking banksman/person assisting the driver from outside the vehicle.

Reason: To ensure the safety of local highway users, in particular the nearby school pupils who pass the site and to maintain the freeflow of the public network in accordance with Policy CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

9 Construction Hours (Neighbours)

Construction work shall only take place on site within the following hours:
Monday to Friday Between 07.30 and 18.00 hours
Saturdays 07.30 to 13.00 hours, and not at all on Sundays.

Reason: To ensure satisfactory control of the construction process and to avoid harm to neighbouring amenity in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Within set time of commencement

10 Restriction of noise from plant and equipment

Within 3 calendar months of the commencement of construction, plan and technical details of one of the measures outlined in section 7.3 of the approved Environoise ANC acoustic report (REF: 21505R01aSWpak) comprising either a) Relocation of plant; b) Enclosure of plant; or c) Re-specification of plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first commencement of the use hereby permitted and be permanently maintained thereafter.

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of nearby premises and the area generally and have regard for Policies CS38 and CS41

11 Surface Water Drainage SUDS (further detail of hydrobrake)

Within 3 calendar months of the date of this decision, a detailed and finalised surface water drainage scheme in accordance with previously approved principles within Flood Risk Assessment R-FRA-21181-01-A (JPP July 2021), shall be submitted to, and approved in writing by the local planning authority. Additional Details should include the following;

- a) Details of management and maintenance for all elements of the drainage system including the Hydrobrake;
- b) Water quality assessment for all elements of the drainage system including the Hydrobrake.

The approved surface water drainage scheme shall be implemented in accordance with the time frame set out by condition no.16 of this permission.

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.

12 Finish Materials and colour of approved gates and fencing

The materials and colour treatments used in the external surfaces of the finished building shall comprise those described on the plans hereby approved and listed above.

Prior to the erection of any component comprising approved fencing, gates or racking, details of the proposed colour finish of all external fencing, gates and racking shall be submitted to and approved in writing by the Local Planning Authority. Colour treatment 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).

13 **Hard / Soft Landscaping**

Within 3 calendar months of the date of commencement of the development, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include:

(a) planting plans (including trees to boundaries); **(b)** existing trees, hedges and shrubs to be retained; **(c)** written specifications (including cultivation and other operations associated with plant and grass establishment); **(d)** A detailed maintenance and long-term management scheme for the grassed areas adjacent to Ashely Road (demonstrating how the new hedgerows and tree planting is to be managed and maintained until established); **(e)** schedules of plants noting species, plant sizes and proposed numbers/densities; and **(f)** programme and timetable of implementation.

All aspects of the approved soft landscape scheme shall be implemented in full in accordance with the timetable agreed within part (f) of this condition.

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).

14 **Servicing & Waste Management Plan**

Within 6 months of the commencement of above ground development a Servicing Management Plan, incorporating a Commercial Waste Management Plan waste management plan (CWMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the building is to be serviced and the commercial waste agreement to collect the types of refuse generated by the business activity.

The development hereby permitted shall not be first occupied until the approved servicing and waste management plan, together with any signage, infrastructure or demarcation, has been fully implemented on site in accordance with the approved details and thereafter shall only be serviced and operated in accordance with the approved Servicing Management Plan.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (s.34) to have suitable commercial waste agreement in place, guidance relating to capacity is based on Waste management in buildings— Code of practice BS 5906:2005, also the safe servicing and collection of refuse from the site so as not to impact the efficiency of the local highway network nor the safety of its users and in the interests of preserving visual amenities, meeting the needs of intended occupiers and highway safety and in accordance with Policy CS41 adopted October 2012

15 **Electric Vehicle Charging Points**

Within 3 months of the commencement of the development details of the provision of 8

Electric Vehicle (staff) charging Points (4 passive and 4 active), and 8 Electric Cycle (staff) charge points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). Prior to first commencement of the use hereby approved the approved details shall be implemented and brought into operation prior to the commercial use hereby approved first commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

Prior to first Occupation of any unit (and retained for lifetime of devt)

16 Surface Water Drainage (SUDS) Implementation

Before the use of the development hereby approved is first commenced, the approved scheme for surface water run-off (incorporating the agreed sustainable urban drainage system (SUDS)), shall be implemented in full as set out in the agreed Flood Risk Assessment (Doc Ref. R-FRA-21181-01-A, (JPP, July 2021) and Ground Investigation Report (Rev 01, Soiltechnics, 1 October 2020) and as augmented by the information approved by any successful discharge of condition no 11.

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.

17 Access construction

Before the development hereby approved is first occupied, the first 10m of the vehicular and pedestrian access, measured from the rear edge of the public highway (including any public footways) highway must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

18 Laying out of Turning / Parking areas

Before the development hereby approved is first occupied, the turning and parking shown on the hereby approved plans must have been constructed in accordance with those details. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

19 Cycle store to be erected prior to occupation

Before the development hereby approved is first occupied, the cycle parking facilities shown on the hereby approved plans have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

20 **Visibility splays as submitted**

Before the development hereby approved is first occupied, the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6m above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

21 **Dropped kerb expunged**

Before the development hereby approved is first occupied, the existing highway vehicular crossing must be expunged and reinstated to a specification which must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

22 **Biodiversity Enhancement Mitigation**

Before the development hereby approved is first occupied, the 'Mitigation and Enhancements' as given in the Ecological Assessment (Ref: 'Land at Ashley Road', By Ecology Solutions, Dated Nov 2020) in respect of bats, hedgehogs, birds and invertebrates, shall be implemented in full on site. Bat boxes shall be installed at heights and aspect as given by Bat Conservation Trust advice available at: http://www.bats.org.uk/pages/bat_boxes.html.

Reason: To be compliant with National Planning Policy Framework (2021) paragraphs 8, 174 and 180 To ensure the development contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity in accordance with PolicyCS30 of the Adopted Core Strategy (2012).

23 **Travel Plan to be implemented**

Before the development hereby approved is first occupied, the submitted Travel Plan must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

Always Relevant

24 **Implementation of approved arboricultural method statement**

The tree protection measures as detailed in the approved arboricultural method statement [Tree Survey Report, Rev C] dated 06.09.2021 and prepared by ENCON Associates (together with Landscaping Scheme Dwg 03 Rev B dated 06.09.2021) 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).

25 **Obscure Glazing**

The proposed windows in the elevation of the building facing North Road and shown on approved drawing no. 16775-114 Rev D shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and shall be permanently retained as such.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

26 Height Restriction on Racking

In accordance with details on Page 14 of the approved Design and Access Statement, the height of any external racking placed around the site, and any standalone stack of products displayed for sale or stored outside the building shall not exceed 5.5m in height above the adjacent ground level approved by way of condition 6 (Levels).

Reason: The Local Planning Authority considers the erection of any other form of dwelling on this land would be out of keeping with the character of the surrounding properties and would be contrary to Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

27 Use of Service Yard

At no time shall the service yard to the east of the building shown on approved plan nos. 16775-111 Rev H and 16775-112 Rev F be used for sales or the display of items for sale to customers.

Reason: To ensure that customers are not placed at risk from HGV and service vehicles manoeuvring within the service yard.

28 PD Rights Removed (Windows, Doors, Enclosure

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and with the exception of the details shown on approved elevations 16775-114 Rev D, no additional windows, doors or other openings, including dormer windows shall be inserted or constructed, nor shall the fencing around the tool area caging be enclosed by obscured panels or permanently covered with an enclosed roof without the further specific grant of planning permission from the Local Planning Authority.

Reason: To avoid loss of privacy for adjoining properties in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

29 PD Rights Removed (Class MA changes of use)

Notwithstanding the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the sui generis use classification of the builders' merchants use shall not benefit from future Permitted Development rights for temporary or permanent changes of use otherwise permitted by the Schedule now or in the future to any other use in the Use Class Order 1987 (as amended).

Reason: To avoid loss of this sui-generis class use, and to enable the Local Planning Authority to consider any future use against policy and standards set by locally adopted policies having regard for Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

30 Lighting 1 (Light Spill)

Before the development hereby approved is first occupied, the external lighting across the

site must be installed and maintained as specified in the approved document : 2022-TEW-RP-M-TP Bournemouth External Lighting Report-S0-P02. The lighting must operate in accordance with the light spill levels indicated in appendix A of that document and no resulting light intrusion from any part of the application site into any neighboring property window shall be equal to or exceed 1 lux.

Reason: In the interest of highway safety and neighboring amenity and in accordance with Policies CS14 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

31 Lighting 2 – (Timers, no PIR)

Before the development hereby approved is first occupied, the external lighting across the site must accord with the approved lighting document : 2022-TEW-RP-M-TP Bournemouth External Lighting Report-S0-P02 in that all external lighting must be connected to a timer so that is all off between 19:00h and 06:00h daily. There is to be no additional overnight security lighting provided, and no lighting on a PIR which may cause a nuisance by its operation.

Reason: In the interest of highway safety and neighboring amenity and in accordance with Policies CS14 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

32 Bird nesting months

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive.

Reason: To safeguard the active nests of all wild birds which in England are protected under the Wildlife & Countryside Act 1981

33 Hours of Use/activity for approved use

Within the site as edged in red on approved plan no 16775-100 Rev A:

a) The premises, including customer car park and service yard shall not be open to members of the public outside the following hours:

Monday to Friday Between 06.30 and 18.00 hours

Saturdays 08.00 to 12.00 hours, and not at all on Sundays.

b) Any articulated vehicle and trailer having more than 3 axles, and in excess of 25 tonnes weight, shall not make deliveries to, or despatch materials or equipment from the site between the hours of 08.30h and 09.00h, nor 15.00h and 15.30h, Monday to Friday during school term opening times at: Kings Park Academy (Station Approach); and St.Clements & St. John's Primary School (St. Clement's Rd) unless the manoeuvre(s) into or out of the site from/to the public highway is accompanied by a walking banksman/person assisting the driver from outside the vehicle.

c) No deliveries, un/loading, or servicing shall take place outside of the following hours:

Monday to Friday Between 06.30 and **19.00** hours

Saturdays 07.30 to 12.00 hours, and not at all on Sundays.

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

34 Emergency Access to Railway

The proposed gap in racking within the service yard marked 'KEEP CLEAR' and shown on drawing 16775-111 Rev H shall remain clear of permanent obstruction for the lifetime of this development to enable railway access if required.

Reason: In accordance with Policy 8.20 of the Bournemouth District Wide Local Plan, February 2002.

35 **Railway Easement Protection**

Notwithstanding any future amendments to the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development within the easement along the railway boundary or safeguarded future pedestrian connection to Ashley Road as shown on Proposed Site Layout drawing 16775-112 Rev F shall not benefit from existing or future Permitted Development rights.

Reason: To allow consideration of such proposals via a full planning application and to ensure that any development of the site does not prejudice the re-instatement of a platform and a station in this location in accordance with Policy 8.20 of the Bournemouth District Wide Local Plan, February 2002.

Informatives:

Decision Making

The Council aims to take a solution focused, positive and proactive approach to development proposals. This includes working with applicants and agents by:

- offering a pre-application advice service, and
- as appropriate, updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In particular, in this instance:

the applicant sought and was provided with pre-application advice, the applicant/agent was updated of any issues after the initial site visit and responded by submitting amended plans, which were found to be acceptable and permission was approved subject to conditions and legal agreements.

Highways

With regards to the requirements of condition no. 2 (CEMP: "Methods of communicating the Construction Management Plan to staff, visitors, Council Road Safety Team and neighbouring residents, school and businesses") any email communications should be addressed to all of the following parties:

- BCP Council Road Safety Team - road.safety@bcpcouncil.gov.uk
- King's Park Academy - kpa@kingspark-academy.co.uk
- St.Clement's Infant School - stclements@coastalpartnership.co.uk

The school term dates referred to within condition nos. 8(b) and 33(b) (Visiting/departing Articulated vehicle and trailer having more than 3 axles, and in excess of 25 tonnes weight, during term times) shall relate to the term times as set and publicised by:

- King's Park Academy, Station Approach, BH1 4NB
kpa@kingspark-academy.co.uk ; and
- St.Clement's Infant School, St. Clement's Rd, BH1 4DZ -
stclements@coastalpartnership.co.uk ,

or any renamed or substituted national curriculum school for children under the age of 18, occupying or operating from those premises.

Network Rail

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer contacts Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing. Our Asset Protection will ensure that the proposed development can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from the NR website:

<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>

As well as contacting Network Rail's ASPRO Team, the applicant / developer must also follow the Asset Protection informatives (compliance with the informatives does not remove the need to contact ASPRO).

Waste & Recycling

Submitted documents should contain a commercial waste management plan detailing the requirements listed in the WCA response.

Council, under section 47 of the Environmental Protection Act 1990, can specify. Receptacles for commercial or industrial waste.(3)The kind and number of the receptacles required under subsection (2) above to be used shall be such only as are reasonable.(4)In making requirements as respects receptacles under subsection (2) above, the authority may, by the notice under that subsection, make provision with respect to—(a)the size, construction and maintenance of the receptacles;(b)the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;(c)the placing of the receptacles for that purpose on highways or, in Scotland, roads;(d)the substances or articles which may or may not be put into the receptacles and the precautions to be taken where particular substances or articles are put into them; [F1and](e)the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.[F2(f)the removal of the receptacles placed for the purpose of facilitating the emptying of them; and][F2(g)the time when the receptacles must be placed for that purpose and removed.](5)No requirement shall be made under subsection (2) above for receptacles to be placed on a highway or, as the case may be, road unless—(a)the relevant highway authority or roads authority have given their consent to their being so placed; and(b)arrangements have been made as to the liability for any damage arising out of their being so placed.(6)A person who fails, without reasonable excuse, to comply with any requirements imposed under subsection (2) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

<https://www.bournemouth.gov.uk/binsrecycling/BinCollections/HouseholdRecyclingCollections-BigBin/HouseholdRecyclingCollectionsBigBin.aspx>

Regarding bin placement on the highway, the Highways Act 1980 section 130 imposes a duty on the Highway's Authority to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by s.130 (3) which states that the Highway Authority have a duty to prevent, as far as possible, the obstruction of the highway.

Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation

responses, representations and documents submitted by the applicant in respect of the application. Please search using the case reference number.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.