

Planning Committee

Application Address	Westover Retail Park, Castle Lane West, Bournemouth, BH9 3JS
Proposal	Redevelopment of retail park by erecting a foodstore (Use Class E(a) with associated access, parking, and landscaping works, involving demolition of existing 4 x units.
Application Number	7-2023-1927-BT
Applicant	Lidl Great Britain Ltd
Agent	Mr Christopher Tookey
Ward and Ward Members	Moordown Councillor Joe Salmon and Councillor Kate Salmon
Report Status	Public
Meeting Date	23 January 2025
Recommendation	Grant in accordance with the details set out below for the reasons as set out in the report
Reason for Referral to Planning Committee	Called in by Councillor Joe Salmon for the following reasons: - <i>"concern about the transport implications of a new supermarket in this location, which is on the junction of two already very congested roads."</i>
Case Officer	Steve Davies
Is the proposal EIA Development?	No

Description of Proposal

- 1 Planning permission is sought for 'Redevelopment of retail park by erecting a food store (Use Class E(a) with associated access, parking, and landscaping works, involving demolition of existing 4 x units'.
- 2 The key features of the proposal are as follows: -
 - A new single building with a gross internal area (GIA) of 1,926sq m and a net sales area of 1,210sq m. (Currently the existing development comprises 3 non-food retail units and 1 restaurant totalling 2,123 sq m gross floorspace;

- Includes an onsite bakery;
- A total of 78 (reduced from 81) parking spaces will be provided including 6 disabled spaces, 9 parent and child spaces, and 2 electric vehicle charging bays, as well as covered parking for 10 bicycles (currently parking for 100 cars);
- Eaves height of building – 4.96m. The sloping roof rises about another 2m;
- The design and materials are modern with mainly render walls with red brick panelling and piers, full height aluminium framed glazing and a low pitched metal roof with solar PV panels;
- The typical opening hours for Lidl stores are 07:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays;
- The applicant had indicated that based on existing Lidl's elsewhere the proposed store is likely to provide up to 40 job opportunities;
- The proposed development will incorporate PV panels on its roof, as well as other sustainable design features, and the submitted energy report confirms that the proposal will far exceed the Councils 10% renewable energy requirements under policy CS2 of the Core Strategy;
- The proposed use is to operate as a specific type of food store. Lidl have classed themselves together with Aldi as a Limited Assortment Discounter (LAD), a category of retailer distinct from the mainstream operators. However, in planning terms the use still falls within the general Class E use which allows commercial, business and service uses.

3 The applicant carried out pre-application discussions with the Council and following this have commissioned reports to deal with key issues as follows;

- Design and Access Statement
- Transport Assessment
- Travel Plan
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Assessment
- Bat Survey report
- Landscape Management Plan & Maintenance Schedule
- Noise Impact Assessment
- Daylight, Sunlight and Overshadowing Assessment
- Tree Survey Report and Arboricultural Impact Assessment
- Phase 1 Site Investigation & Preliminary Risk Assessment
- Geo-Environmental Investigation Report
- Surface & Foul Water Drainage Technical Note
- Energy Usage and Sustainability Statement
- Ventilation and Extraction Statement

4 The applicant has also carried out some Community Involvement for the project. Individual flyers outlining the development proposals were sent in November 2022 to local households and businesses within the catchment area, on the north side of Bournemouth. The aim of the flyer was to inform local residents, community groups and businesses of the plans.

Description of Site and Surroundings

5 The site lies at the junction of Castle Lane West and Wimborne Road. Although it is in the Moordown Ward it is close to Redhill to the west and Muscliff to the north. As can be seen from the image below it is a triangular shaped site with small, detached bungalows adjoining along the SE boundary with Lawford Rise and 2 storey detached houses to the South in

Wimborne Road. The properties opposite in Wimborne Road and Castle Lane are similarly domestic in scale. As can be seen from the image the site is presently occupied by commercial retail warehouse buildings falling within the former A1 retail use which is now class E with a total of 4 units (the central unit is subdivided) and a pizza hut restaurant. Access is off Wimborne Road opposite the junction with The Grove. The site is about 420m north of and outside the Moordown local shopping area.



Relevant Applications and Appeals:

- 6 7-1999-01927-AS: Erection of four retail units and a restaurant with access and car parking.
Granted: 28 March 2000

7-2000-1927-AT: Erection of three retail units, one restaurant, formation of new vehicular access and car parking - Approval of Reserved Matters of Application No: 7/99/1927/AS.
Granted: 17 July 2000

The permission included the following condition which is relevant to the current application;

The Class A1 retail premises shall not be used for the sale of food for consumption off the premises other than confectionery except for one unit up to a maximum floor area of 232 sq.m. gross floor area.

Reason: The Local Planning Authority does not wish to consolidate this type of shopping on this site, which could prejudice the vitality and viability of nearby town centres.

- 7 Various other applications for advertisements and minor works but nothing significant or relevant to the current proposal.

Constraints

- 8 There are no statutory constraints such as a Tree Preservation Order, Conservation Area or listed building. However, other specific constraints and relevant matters will be set out below in the considerations section below.

Public Sector Equalities Duty

- 9 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

- 10 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.
- 11 For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area. In this case the site will be subject to normally licencing conditions which would help to control and anti-social behaviour.
- 12 For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

Consultations

- 13 Policy Officer – the policy advice is as follows *“The applicants have prepared a sequential test. They have provided a map of the proposed Lidl catchment area and have searched for suitable sites within or on the edge (within 300m) of Moordown and Castlepoint district centres which is a reasonable approach. They have included commentary of their search for suitable units within this area and it looks to be a comprehensive search which concludes that there are no suitable sites within the district centres. It should be noted that the NPPF requires consideration of all town centres which also includes local centres as well as district centres. Whereas, the Bournemouth Core Strategy has an emphasis on District Centres whilst local centres are not defined on the Proposals Map. For robustness, I have looked at the local centres within this catchment boundary, and there are no premises that would be of a suitable size to accommodate the proposal. Therefore, I am satisfied that there are no suitable alternative sites within any town centre within the catchment area (both in local and district centres) and the proposal passes the requirements of the sequential test. The applicants have not prepared a retail impact test, as there is no requirement to do so, in view of the NPPF default threshold of 2,500 sqm not being met. However, they have put forward*

their view that they do not expect the proposed new Lidl to have a significant adverse impact on Lidl in Winton and Aldi at Mallard Road retail park. They envisage only a small amount of turnover is likely to be derived from Asda in Castlepoint and stores in Moordown. They conclude that it is unlikely that the proposed Lidl will have any significant impact on the total (convenience and comparison) turnover of either centre.”

Litchfield's Advice

- 14 Following on from this advice and to respond to the concerns of other objectors regarding retail impact and the sequential approach the Council has instructed Litchfield's to give additional advice on this issue. Their conclusion extract is copied below and indicate that the proposal is unlikely to result in significant retail impact and that the sequential approach process is agreed. It should be noted that the retail goes wider than the Lidl assessment and includes Kinson but not Wallisdown. The Wallisdown centre is mentioned insofar as there is another current application to relocate their Aldi store with a larger supermarket further along Wallisdown Road.

15 Retail impact

4.1 “Excluding Wallisdown District Centre, Lichfields’ cumulative impact analysis suggests district centres at Moordown, Castlepoint, Winton and Kinson will be the most affected centres. The proportional impact on convenience goods businesses in these centres ranges from -3.1% to -4.2%. Most of this cumulative trade diversion and impact will fall on large food stores, on the basis that like tends to compete with like, which in this case is large food stores attracting predominantly main and bulk food shopping trips. These relatively low levels of impact are not expected to cause trading difficulties for existing food store or cause shop closures. Food stores in these centres appear to be trading satisfactorily, and in some cases, healthily.

4.2 All these centres have a below average shop vacancy rate and a good mix of retail and non-retail uses. Convenience goods businesses account for a small proportion of occupied units in each centre. On balance, the proposed Lidl and Aldi stores are not expected to have a significant adverse impact on the vitality and viability of any of these designated centres.

4.3 The solus impact of the Lidl store on Wallisdown District Centre is only -1.8%, which is also not considered to be significant. The proposed closure and relocation of the Aldi store in Wallisdown District Centre to a new and enlarged out of centre store is expected to have a much greater impact on the centre than the proposed Lidl store.

4.4 When determining the Aldi planning application, BCP Council will need to consider whether the loss of convenience goods trade from the centre (estimated by Lichfields to be £8.82 million) represents a significant adverse impact. If BCP Council concludes this scenario does represent a significant adverse impact on Wallisdown District Centre then the Aldi application could be refused regardless of the outcome of the Lidl planning application.

4.5 Alternatively, if the Council concludes the relocation of the Aldi store from the centre, does not represent a significant adverse impact on Wallisdown District Centre then a marginal increase in the loss of trade to the Lidl store is also unlikely to represent a significant adverse impact.

4.6 In our view the Lidl store can be determined before the Aldi store at Wallisdown Road, because the retail impact implications of the Lidl store will not materially affect the outcome of the consideration of the impact assessment of the Aldi store on Wallisdown District Centre.

16 Sequential approach

4.7 The applicant has considered potential opportunities in Moordown and Castlepoint district centres, which fall within the primary catchment area of the proposed Lidl store. In our view Kinson District Centre should also be considered because the primary catchment area is likely to extend further west than suggested by the applicant.

4.8 There do not appear to be available development sites of at least 0.6ha to accommodate the proposed Lidl store within or on the edge of these district centres.

4.9 In terms of vacant units only Unit 8 in Castlepoint is potentially large enough to accommodate the proposed Lidl store. However, this unit is expected to be occupied by a non-food retailer and is unavailable for a discount food store operator.

4.10 Based on the information provided, there are do not appear to be other suitable and available sequential alternatives within or on the edge of centres that would serve the primary catchment area.”

17 Council Arboricultural Officer – the officer comments on the tree loss and landscaping proposals. The comments are as follows;

“I have assessed the revised proposals for this site, and I confirm there are improvements to tree planting numbers, tree retention and soft landscaping. 16 existing trees are now proposed for retention however the landscape plan shows 14 trees to be retained. This will need to be clarified however it is still an improvement. If it proves non feasible for these trees to be retained, then suitable replacement trees will be required. It appears likely that these trees can be successfully retained however this will require demonstrating with the submission of an arboricultural method statement and tree protection plan. 27 new trees are proposed.

[Note: The applicant has now confirmed following new details that 14 trees are to be retained and 39 trees within the red line are to be removed, but these are predominately low quality, and they are planting 33 new trees, as well as additional hedge planting.]

Tree planting / landscaping to screen adjoining residential properties is now suitable. New tree planting where possible has been formed in groups to allow the use of modern tree planting technologies for providing linked underground tree planting pits. Details for these planting pits should be provided with a detailed soft landscaping scheme. Soft landscaping is proposed to most of the site’s perimeter. It is still disappointing to note significant gaps on the Castle Lane West boundary and Wimborne Road boundary where the proximity of car parking spaces prevents tree planting as there is not enough space to allow it. There are three areas on these boundaries with no new tree planting. Two of these areas are proposed for hedge planting which will provide improved visual amenities to these areas. If the area on Wimborne Road where there are no trees or hedges shown, can be provided with a hedge this would be an improvement.”

18 Council Urban Design Officer – the urban design officer reviewed the scheme as it was originally submitted and made the following comments.

“As proposed the scheme fails to address the street. The irregular geometry of the site means that it is not well suited to the development of a single, large footprint rectilinear box.

The existing built form is somewhat more successful in terms of the street scene as it is broken into separate buildings of a more modest scale.

- *Development should address Wimborne Road and Castle Lane and mark the corner where the two routes meet. As proposed the store is towards the rear of the site with car parking and blank, inactive frontage addressing Castle Lane*
- *Thought should be given to the view down Muscliffe Lane towards the site to ensure that the building elevation creates an attractive termination to this view*
- *There would be a negative impact on Lawford Road due to the location of the plant area and lack of natural surveillance.*

Use

The site is in a relatively sustainable location, on various bus routes and at a junction of routes identified in the Local Cycle and Walking Infrastructure Plan. In view of this and the surrounding residential development I consider it has potential for a mixed use scheme of commercial and residential development. The proposal as it stands is a missed opportunity in my view and would not make efficient use of land. A mixed use scheme would also have the potential to be much more successful in terms of urban design and place making as it would address the street with residential frontages creating activity, interest, depth and natural surveillance.

Climate and use of natural resources

- *The existing buildings are only around 20 years old. It would be unfortunate and unsustainable to demolish and replace these buildings with another development which doesn't make efficient use of the site*
- *The development should seek to achieve a BREEAM 'very good' rating in line with policy CS2*
- *I welcome the use of roof space for solar PV panels*

Landscape and Movement

- *As proposed the site would be dominated by car parking, with minimal planting squeezed in around the edges.*
- *Sufficient Sheffield cycle stands should be located close to the building entrance*
- *Wide and convenient pedestrian routes should be provided catering for design lines from Castle Lane and Wimborne Road to the store entrance."*

The scheme has now been amended, and the applicant has improved the landscaping and design of the Castle Lane West frontage. The design issues are discussed in more detail in the issues below.

- 19 BCP Flood Risk Management Team (FCERM) – following the submission of additional details the Council Drainage engineers do not object and have recommended conditions which should be attached to any approval.
- 20 Biodiversity Officer – The scheme was submitted prior to new statutory BNG legislation however, the scheme has been amended following comments by the biodiversity officer to have on site biodiversity benefits.
- 21 Environmental Health – The Environmental Health Officer considers that the recommendations for noise mitigation as set out in the submitted noise report are acceptable. The following conditions are recommended

All noise mitigation recommendations specified in the noise impact assessment by Acoustic consultants' Ltd report ref: 9642/LN to be installed prior to use of the development.

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours 0700-2200 Monday to Saturday and 0800-1800 on Sundays and Bank Holidays

- 22 Highway Officer – The full comments and issues are discussed in the planning assessment below. However, the comments here set out the latest position of the Transport Officer.

Following the submission of amended details the proposal is supported by the Transport Officer on transport matters apart from the issue relating to the refusal of the applicant to dedicate land to the Council along the northern boundary of the site to allow for cycle lane improvements along Castle Lane.

“Discussions with the applicant have been ongoing reference highway matters. Ensuing the submission of revised plans and additional information, the LHA can confirm the following concerns have been addressed:

- The provision of a pedestrian path on the north side of the vehicular access is welcomed. This coupled with a pedestrian crossing at the path's termination, is an improvement upon previous revisions and is considered an acceptable access arrangement.*
- Nationwide data supplied shows that at existing Lidl stores where 2 EV spaces is normally provided, only 20% of the capacity of those spaces is habitually used. Consequently, the provision of 2 spaces for the proposed store is considered acceptable considering the passive provision permits future conversion of bays.*
- The council's accessibility team have confirmed that the provision of RTI infrastructure within the existing northbound bus shelter, opposite the site on Wimborne Road, would require a financial contribution of no less than £10,000.00”.*

Following further discussions and the submission of additional details, the following comments are made;

“The latest revisions, namely drawing no. 7715-00-2003, show a 3-space reduction in car parking to 78 spaces thus still complying with the Parking SPD. All access, parking and turning arrangements remain largely similar to those already assessed and considered acceptable.

The provision of pedestrian footpaths either side of the vehicular access but not requiring any modifications to the existing footway is appropriate whilst the provision of a second internal pedestrian crossing point is beneficial.

The LHA have no objection to the above amendments per se however, one outstanding highway concern remains. The failure to dedicate land along the Castle Lane West frontage as public highway would prejudice the ability of the Council to deliver a continuous high quality strategic walking and cycling corridor as part of the TCF improvements and is unacceptable.

RECOMMENDATION:

The Highway Authority would recommend refusal for the following reason. The failure to provide the land necessary to support the delivery of a high-quality walking and cycling network would fail to support the uptake of active travel and as such, fails to fully mitigate the

impact of the proposed development. The proposal is considered poor design and is contrary to policies CS14, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (Adopted October 2012). The development is also considered to be contrary to the aims of the National Planning Policy Framework (2023) [now 2024] which requires opportunities to promote walking, cycling and public transport use are identified and pursued adequately.”

- 23 Police Architectural Liaison – *“I make no objection to this application. I do highlight the means of escape from the eastern rear of the premises may also be attractive to uninvited guests. There is a gate shown round to the rear that may be better placed on the building line, or even another fire gated point at the top of the slope in from Castle Lane. I am sure that Lidl will have their own security systems and highlight that there have been a number of retail premises attacked by way of either crowbarring the sliding front doors, or simply smashing the glazing to the side of the doors.”*

[A condition will be recommended to ensure that this detail is resolved with a scheme that ensures gates, surveillance and access are secure.]

- 24 Fire Safety Inspector on behalf of the Dorset & Wiltshire Fire and Rescue Authority– flagged up issues that will be required under the building regulations assessment.
- 25 BCP’s Inland Flood Risk Management (iFRM) team - the applicant has agreed to make improvements to the onsite water attenuation tank and to reduce flow rates into the drainage system. This will improve the current site drainage and satisfy Wessex Water. Therefore no in-principal objection to the proposed conceptual scheme on flood risk or surface water management grounds, subject to the attachment of the pre-commencement planning conditions in respect of detailed design and maintenance requirements, to any permission granted.

Representations

- 26 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 14/7/23. A press notice was published with an expiry date of 28/7/23. Following the submission of amended drawings amendment notices were posted with a final publicity expiry date of 1 November 2024.
- 27 A significant number of representations have been received and are summarised below. Overall, there have been 84 responses. There are 59 in support 20 objections and 5 comments.
- 28 Main objections (summary);
- *Loss of a variety of retail outlets that add interest and utility to the area;*
 - *Already plenty of food shops etc in the immediate area;*
 - *Additional traffic by vehicle, cycle and foot will add to the congestion;*
 - *Noise and pollution in case of vehicles;*
 - *Increase in traffic safety risks;*
 - *Insufficient parking will lead to more roadside parking;*
 - *Nett loss of jobs in the local area by removing current shops;*
 - *Removes socialising options from local area along with funds from a vital charity;*
 - *Demolition and reconstruction is also not conducive to the aims to reduce the towns carbon footprint since to do so would result in additional carbon being added to the environment throughout the demolition and construction process;*
 - *Difficulty in exiting toward Redhill and Kinson from car park;*

- Amount of traffic entering and exiting the site would be detrimental to the wildlife in the area, not to mention the demolition and rebuilding site affecting wildlife and polluting the area with noise and disruption;
- Loss of convenient pet store;
- Nuisance from construction traffic;
- Poor, dangerous and inconvenient (existing) access location;
- Will create traffic problems in The Grove;
- Tree loss;
- Inappropriate rendered finish to proposed building in area characterised by brickwork;
- The buildings appear to be in an acceptable condition aesthetically for their age, and should not have reached the end of their economic lives;
- Concern is that LIDL would pull out of Winton - it currently provides healthy competition to Waitrose. They should be doing more to improve their Winton site. We have already lost Wilco in the time that this application has been live.
- Fully support Councils Highway Engineers report and their requirements.
- A crossing between the bus stops on both sides of the road is most welcome as when travelling from Ferndown to Castlepoint by bus this location is a convenient interchange.
- Not everyone comes by car, pedestrians, cyclists and bus users have to be adequately catered for [this matter is now addressed as the applicant is making a contribution towards a crossing].

29 There has also been an objection from an agent on behalf of Tesco. Their concerns are summarised as follows (summary);

Objections relate to the following important considerations:

- Failure to undertake retail impact assessment and risk of significant adverse impact.
- Failure to optimise the use of land in conflict with the NPPF. They have referred to the potential for mixed use to help meet housing targets.

30 Some of points in favour are as follows;

- A valuable asset to the Moordown area and would not massively impact any other similar retailers as there aren't many that close by;
- It is close to a lot of residential addresses who would be able to walk here, rather than having to use a car to go to Castlepoint etc, so there would be minimal impact to traffic;
- Provide a better choice of supermarket options in the area;
- It will revamp the site which currently appears underutilised;
- Employment creation;
- Better located to nearby housing;
- Existing units' custom seems to arrive by car and would probably have little problem driving another mile or so to Castlepoint or Winton where many of the current outlets or similar are available.

(Some of those supporting the proposal have some reservations about traffic and parking)

31 The letters commenting rather than formally objecting to the application have also made the following points (summary);

- Shortcomings of the design of the pedestrian access, their safety and convenience;
- Suggest alternative access arrangements given their concern with the existing access;
- Additional landscaping recommended;

- *Additional solar PV panels suggested over parking area.*

Key Issues

32 The main considerations involved with this application are:

- Principle of development including impact of retail use on nearby centres
- Impact on character and appearance of the area;
- Impact on residential amenity including noise;
- Drainage
- Biodiversity
- Traffic and Transport Issues
- Sustainability.

33 These points will be discussed as well as other material considerations below.

Planning Policy Context

34 Bournemouth Local Plan Core Strategy (2012)

- CS1: NPPF and Sustainable Development
- CS2: Sustainable Homes and Premises
- CS4: Surface Water Flooding
- CS6: Delivering Sustainable Communities
- CS7: Town Centre (town centre first sequential approach)
- CS9: Enhancing District Centres
- CS11: Protecting Local Facilities and Services
- CS13: Key Transport Routes
- CS14: Delivering Transport Infrastructure
- CS15: Green Travel Plan and Transport Assessments
- CS16: Parking Standards
- CS17: Encouraging Greener Vehicle Technologies
- CS18: Increasing Opportunities for Cycling and Walking
- CS21: Housing Distribution Across Bournemouth
- CS27: Protecting unallocated employment sites.
- CS38: Minimising Pollution
- CS41: Quality Design

35 Bournemouth District Wide Local Plan (2002)

- 3.28: Flooding
- 4.25: Landscaping
- 5.26: Outside the defined shopping areas, the creation of additional retail floorspace will be resisted

36 The Emerging BCP Local Plan

The draft BCP Local Plan was submitted to the Secretary of State on 27 June 2024 for examination. The Local Plan examination is expected to take about 12 months. If approved by the Inspectors, the Local Plan will replace the current Local Plans, but this is unlikely to be in the near future. Due to the relatively early stage of the Plan process the majority of policies are attracting only very limited weight at this time. For information some of the relevant policies are set out below.

- 37 *“Strategic Policy E1: Nurturing our economy
To nurture and stimulate the growth of a more inclusive, sustainable and green economy, development proposals must:*
- a. focus employment development on allocated sites;*
 - b. safeguard existing employment areas for employment uses;*
 - c. encourage the growth of businesses and industries, as well as attracting new inward investment;*
 - d. support new models and ways of working, including more flexible working practices;*
 - e. enable the tourism sector to grow in a sustainable manner;*
 - f. focus on a town centre first approach for main town centre uses including retail opportunities; and*
 - g. increase opportunities for higher education by supporting colleges and universities.”*
- 38 *“Policy E11: Retail and Town Centres
The town, district and local centres as defined on the Policies Map and in accordance with the retail hierarchy, will be the focus for retail and main town centre uses.*
- 1. Within Centre*
 - a. Proposals (including change of use) involving retail within the primary shopping areas of the town centres; district centres; local centres; and neighbourhood parades, and proposals (including change of use) involving main town centre uses within town centres; district centres; local centres; and neighbourhood parades will be supported where they:*
 - i. maintain or enhance vitality, viability and diversity of the centre;*
 - ii. are appropriate in scale and function;*
 - iii. retain or provide active commercial (Use class E) or community (Use class F) uses on the ground floor; and*
 - iv. In the case of sui generis uses (i.e. pub, hot food takeaway, betting shop) would not result in or exacerbate an over-concentration of such uses.*
 - b. Where a site is within, but close to the centre boundary and has become isolated by residential uses, an exception to the loss of an existing class E use and active commercial frontage may be supported.*
 - 2. Out of Centre*
 - a. Proposals (including change of use) for retail uses outside of primary shopping areas, district centres, local centres, and neighbourhood parades; and proposals (including change of use) for main town centre uses outside of town centre boundaries, district centre, local centres and neighbourhood parades will only be permitted where:*
 - i. a full retail sequential test has been carried out which demonstrates that there are no alternative suitable and available sites, firstly within the centres (as defined on the policies map), and then edge of centre.*
 - ii. for any retail and leisure proposals over 400 sqm (gross) floor space a retail impact assessment has been carried out which demonstrates that there would be no significant adverse impact on an existing centre.*
 - iii. the proposal would be appropriate in scale, role, function and nature to its location and would not undermine the retail strategy (as set out in the hierarchy in figure 9.5).*
 - b. The loss of an existing local convenience shop outside of town, district, local centres and neighbourhood parades, will only be permitted where:*
 - i. there is an existing alternative local convenience shop that will conveniently serve the catchment area; or*
 - ii. it has been demonstrated that the shop is no longer viable through marketing and a viability assessment.”*
- 39 Site Specific policies

“Wimborne Road Retail Park (M.1)

The site is allocated for mixed use commercial (Use class E) and residential development.

Development proposals must:

- i. Make efficient use of land utilising upper floors;*
- ii. Ensure any ground floor commercial uses (Use class E) do not undermine the viability of shopping centres;*
- iii. Provide in the region of 40 homes;*
- iv. Enhance the public realm and walking and cycling environment within and to and from the site;*
- v. Be predominantly between two and three storeys (approximately 6-12 metres) in height; and*
- vi. Ensure buildings are set back to enable a segregated cycle route to be constructed on Castle Lane West (three metres from rear of current kerb line).”*

40 **The National Planning Policy Framework (as recently issued in December 2024)**

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and is a material consideration in planning decisions.

Including the following relevant paragraphs and sections:

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 strong 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 having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Section 6 – Building a strong, competitive economy;

Section 7 – Ensuring the vitality of town centres; In particular paragraph 94 states: -

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Section 8 – Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Achieving well designed places.

Paragraph 135 in particular states: *Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Section 14 – Meeting the challenge of climate change, flooding and coastal change.

Section 15 – Conserving and enhancing the natural environment.

Planning Assessment

Key Issues

Principle of development and retail impact

- 41 The main issue is whether the principle of a food supermarket is acceptable on this site. There is already a retail presence on the site which has a similar and in fact larger floor space. Having regard to the NPPF and the local plan policy the main questions are:
- whether there are any better sites for a new Lidl supermarket in existing retail centres. This is known as a sequential approach and;
 - whether the proposal would cause harm in terms of retail impact to nearby centres by deflecting trade given that policies generally encourage retail uses in existing centres.

Section 7 of the NPPF reiterates previous guidance that LPAs should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation, and promote their long-term vitality and viability. Paragraph 91 requires a sequential approach to selecting sites for main town centre uses (which include retail development, hotels, restaurants and bars) where they are not in an existing centre or in accordance with an up-to-date Local Plan. The first preference is for sites within town centres, followed by edge-of-centre locations and only then out-of-centre sites. Sites must be suitable and available, and both developers and local planning authorities should demonstrate flexibility on issues such as format and scale.

- 42 Paragraph 94 states that for retail development outside a town centre and not in accordance with an up-to-date Local Plan, an impact assessment will be required if the development is over a proportionate locally set floorspace threshold: in the absence of a locally set threshold the default is 2500sq m. The proposal which has a floor area of 1926 sq m is below the threshold.

Sequential Test

- 43 In accordance with paragraph 91 of the NPPF and Policy CS7 of the Core Strategy which requires a town centre first approach the applicant has carried out a sequential test looking at other potential sites that might be available for their proposal and the Policy Officer has reviewed this and made the following comments.

“The applicants have prepared a sequential test. They have provided a map of the proposed Lidl catchment area and have searched for suitable sites within or on the edge (within 300m) of Moordown and Castlepoint district centres which is a reasonable approach. They have included commentary of their search for suitable units within this area and it looks to be a comprehensive search which concludes that there are no suitable sites within the district centres. It should be noted that the NPPF requires consideration of all town centres which also includes local centres as well as district centres. Whereas, the Bournemouth Core Strategy has an emphasis on District Centres whilst local centres are not defined on the Proposals Map. For robustness, I have looked at the local centres within this catchment boundary, and there are no premises that would be of a suitable size to accommodate the proposal. Therefore, I am satisfied that there are no suitable alternative sites within any town centre within the catchment area (both in local and district centres) and the proposal passes the requirements of the sequential test”.

The sequential test has also been reviewed by the Councils retail consultants and they have come to a similar view and they conclude: -

“Based on the information provided, there are do not appear to be other suitable and available sequential alternatives within or on the edge of centres that would serve the primary catchment area.”

Retail impact

- 44 Given that there is already a significant retail presence on this site I am satisfied that this can be an appropriate location for a new supermarket in principle as a new out of centre retail presence is not being established. However, the assessment needs to have regard to policy CS9 which states “development proposals within, or outside of, the district centres that would result in a detrimental impact on the continued function, vitality and viability of a centre will be resisted.” The question here is whether the new store will have a detrimental impact on nearby centres such as Moordown and other sites further afield. The closest centres are

Moordown which is about 0.5km to the south and Kinson, Castlepoint and Winton which are about 2km away. Saved policy 5.26 of the District Wide Local Plan (DWLP) also requires consideration of alternative sites and to ensure that the development will not undermine nearby centres. Whilst that policy does not set a threshold it does pre-date the NPPF so it could be reasonable to assume that the current NPPF would set a better and more up to date threshold. Although the emerging local plan is suggesting a lower locally set threshold (see paragraph 38 above) this policy does not, it is considered, have sufficient weight on its own at the current time to require a retail impact assessment to determine whether this application is acceptable.

- 45 The Draft BCP Local Plan which recommends setting the threshold for retail impact assessment at 400sq m which would in future capture the current application is set out below.

9.64 Proposals for retail and leisure floorspace over 400 sqm gross floor space in out of centre locations will also need to undertake and submit a Retail Impact Assessment which will need to demonstrate that there would be no significant adverse impact on existing centres. The 400 sqm is a locally set threshold which reflects the characteristics of retail floorspace within the BCP area

- 46 However, to reiterate that policy is at an early draft stage and there are some unresolved objections. Therefore, only very limited weight if any can be placed on this policy.
- 47 Therefore a detailed retail impact study has not been carried out however, the applicant has provided the following comment: -

“Notwithstanding the fact that an impact assessment is not required, and therefore one has not been undertaken, it is the case that ‘like impacts like’ (as recognised in the National Planning Practice Guidance), and here we expect that the proposed store will take the largest share of its turnover from Lidl’s existing store in Winton, which is a comparatively short distance away from the application straight down Wimborne Road, and from the Aldi on Mallard Retail Park. Both of these existing stores are trading well above their benchmark levels and so we do not envisage that either will suffer any significant adverse impact; the Mallard Retail Park is also not a defined centre so enjoys no particular protection in terms of retail planning policy.

Only a small amount of turnover is likely to be derived from Castlepoint (from the Asda superstore) and a negligible amount from stores in Moordown. Given that both of those centres appear to have a reasonable level of vitality and viability, and both have a strong comparison goods offer (in particular Castlepoint), it is unlikely that the proposed Lidl will have any significant impact on the total (convenience and comparison) turnover of either centre”

- 48 Nevertheless given the significance of the matter and as there is a strong objection relating to retail impact and given that the new local plan is suggesting a lower threshold for retail impact assessments the Council has sought specialist advice from Litchfields Planning Consultancy on this matter. Litchfields have also given advice previously to the Council about retail matters including input into the Emerging Local Plan. They have looked at the BCP Retail & Leisure Study 2021 to estimate levels of trade diversion and impact on designated centres and the main food stores.
- 49 The Council has also sought additional advice from Litchfields regarding the effect of cumulative impact as part of the retail impact assessment as there is another application in

the area to relocate the Aldi Store from the Wallisdown centre to further west in Wallisdown Road.

Litchfields in their report have concluded that: -
(extract)

4.1 Excluding Wallisdown District Centre, Lichfields' cumulative impact analysis suggests district centres at Moordown, Castlepoint, Winton and Kinson will be the most affected centres. The proportional impact on convenience goods businesses in these centres ranges from -3.1% to -4.2%. Most of this cumulative trade diversion and impact will fall on large food stores, on the basis that like tends to compete with like, which in this case is large food stores attracting predominantly main and bulk food shopping trips. These relatively low levels of impact are not expected to cause trading difficulties for existing food store or cause shop closures. Food stores in these centres appear to be trading satisfactorily, and in some cases, healthily.

4.2 All these centres have a below average shop vacancy rate and a good mix of retail and non retail uses. Convenience goods businesses account for a small proportion of occupied units in each centre. On balance, the proposed the Lidl and Aldi stores are not expected to have a significant adverse impact on the vitality and viability of any of these designated centres.

4.3 The solus impact of the Lidl store on Wallisdown District Centre is only -1.8%, which is also not considered to be significant. The proposed closure and relocation of the Aldi store in Wallisdown District Centre to a new and enlarged out of centre store is expected to have a much greater impact on the centre than the proposed Lidl store.

4.4 When determining the Aldi planning application, BCP Council will need to consider whether the loss of convenience goods trade from the centre (estimated by Lichfields to be £8.82 million) represents a significant adverse impact. If BCP Council concludes this scenario does represent a significant adverse impact on Wallisdown District Centre then the Aldi application could be refused regardless of the outcome of the Lidl planning application.

4.5 Alternatively, if the Council concludes the relocation of the Aldi store from the centre, does not represent a significant adverse impact on Wallisdown District Centre then a marginal increase in the loss of trade to the Lidl store is also unlikely to represent a significant adverse impact.

4.6 In our view the Lidl store can be determined before the Aldi store at Wallisdown Road, because the retail impact implications of the Lidl store will not materially affect the outcome of the consideration of the impact assessment of the Aldi store on Wallisdown District Centre."

50 Another matter is the relevance of the condition attached to the original year 2000 consent which restricts "food" sales as opposed to any other retail product. The condition states: -

"The Class A1 retail premises shall not be used for the sale of food for consumption off the premises other than confectionery except for one unit up to a maximum floor area of 232 sq.m. gross floor area.

Reason: The Local Planning Authority does not wish to consolidate this type of shopping on this site, which could prejudice the vitality and viability of nearby town centres."

That was specific to food sales at that time. The Policy Officer has advised as follows: -

"As for the condition, I would say that it was less relevant nowadays. If we required a retail impact assessment we would only be concerned with the impact on food retailers in nearby centres. This condition is about impact on vitality and viability of nearby town centres which is broader. In this situation, the retail is already here. But even if this was a vacant site, we would still only have to require them to do a sequential test, not a retail impact test in view of

the lack of a lower threshold. This will be changing to a threshold of 400 sq m in our BCP Local Plan, but for now we have to assess against existing adopted policy. CS9 does refer to development proposals within or outside of the district centres that would result in a detrimental impact on the continued function, vitality and viability of a centre will be resisted. However, it is how you assess this in the absence of robust evidence.”

- 51 To conclude the paragraphs above with regard to retail impact whilst a full retail impact assessment has not been carried out there is no current policy that requires this to be carried out. However, the advice by Lichfields acting as the Councils Retail Consultants considers that the impact on nearby centres is likely to be “*insignificant*”. Therefore, it is considered that the proposal is acceptable in principle with regard to retail impact and the sequential test having regard to the NPPF and local plan policy.
- 52 Another matter of principle is whether the proposal takes full advantage of the site potential and uses the land efficiently. Both the Urban Design Officer and one of the objectors considers that the site is not used efficiently, and the emerging local plan has highlighted this site for a mixed use suggesting commercial on the ground floor and residential uses above. Although this was suggested to the applicant, they have made it clear that this option is not feasible for them. Section 11 of the NPPF says that planning decisions should promote an effective use of land. The opportunity for a scheme that includes housing would certainly help the Council with its housing targets. However, the current proposal otherwise demonstrates a strong economic investment and is maintaining and creating jobs on a site where the current uses do not appear to be making the most efficient use of the site. Also, the applicant has indicated that a mixed-use scheme is not viable or deliverable by them.
- 53 On the basis of the above, and notwithstanding the other issues discussed below, the proposal is considered acceptable in principle and in accordance with policy CS1 and CS6 of the Core Strategy by maintaining a balance in development opportunities whilst protecting key facilities. Also, given the retail impact advice identified by Litchfields it is not considered to undermine the vitality and viability of the town centre or local centres/parades as set out in policy 5.26 of the District Wide Local Plan.

Impact on character and appearance of the area

- 54 The site is in a very prominent location at the junction of 2 major roads. At present it is dominated by the Pizza Hut premises on the corner and the other two large warehouse type buildings. The proposed design concept is for a single new store building set back into the site with a large parking area in front. From Wimborne Road and from the west the view of the car park is not strong in urban design terms. Also, from the east the view will be of the side/rear of the retail unit. As the site is at a corner a strong focal point is normally considered to be good urban design and ideally the design should have an active frontage to all main roads. The Urban Design Officer has pointed out that ideally there should be a different proposal for the site and should be for a mixed use scheme including residential which could produce a stronger building addressing the main roads. This could be achieved for a different scheme in accordance with the new policy in the emerging local plan for mixed development. However, as set out above limited weight can only be given to this new policy and the Council can't resist a scheme because they would prefer something else which is not before them. The application needs to be considered on its merits to determine whether the design is acceptable or not.
- 55 Paragraph 153 of the NPPF suggests that decisions should ensure that new developments “*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*” Whilst the proposal does not provide a strong architectural presence the

impact will not be significantly different from the current arrangements on the site for warehouse buildings and car parking with a landscaped edge. The Pizza Hut building does have an active frontage along part of the Castle Lane frontage but it is not a particularly imposing building as it is low rise. However, it is considered that the proposed development does have an attractive appearance. In fact from Muscliff Lane/ Castle Lane the impact is considered to be better than the current Cotswold building as the supermarket panels and glazing give a clear indication of an active retail use. The proposals also creates a new pedestrian access close to the crossing in Castle Lane. This access point provides activity and the applicant has enhanced this access gateway with a feature and has agreed to add some artwork. There is also a proposal for additional public art on the site particularly along the Castle Lane frontage and this will be secured by agreement with an appropriate planning condition. One of the main concerns has been that as Lidl require a flat car park to avoid wayward shopping trolleys, the site levels on Castle Lane West will be higher requiring a higher retaining wall. However, following negotiations the design has been improved so that it is now lower than originally proposed and is stepped to allow for the reintroduction of landscaping. This together with the new access point will enhance the appearance of the site and create a focus in urban design terms. See the image below.



- 56 Also the current view on Wimborne Road will be improved as the current side elevation of the service zone for Pizza Hut is poor in streetscape terms. Whilst the corner of the site at the junction of Castle Lane and Wimborne Road will be open to the car park there is a significant landscaped area which will soften the view of the car park and provide a feature in the street scene. As set out in the tree report many of the established trees that were planted when the retail park was developed over 20 years ago will be lost. As can be seen above the Arboricultural Officer was initially concerned about tree loss and it is disappointing that many of the trees now becoming well established will be removed. As detailed on the final landscape drawing, there are 6 trees being retained on the application site (within the red line). There are a further 8 retained trees around the electricity sub-station to the rear of the houses on Lawford Road, but while those are within Lidl's ownership (i.e. land edged blue),

they are outside the red line site boundary. Overall, 39 trees within the red line are to be removed, and the applicant is planting 35 new trees, as well as additional hedge planting. The applicant has committed to replace these and although they will take time to become established it is hoped that the site will still have a treescape in the future.

- 57 Progress has been made on detailed design matters which initially concerned the Urban Design Officer. However, the scope for a complete redesign is limited by the proposed use and Lidl's operating requirements. As shown below in one of the CGI views down Castle Lane the building will appear especially bulky with a large blank flank wall and an enclosed plant area on the corner adjacent to Lawford Road. This part of the rear elevation will not be particularly attractive as it is the back of the site but given the nature of the scheme and as the layout to some extent follows the blueprint for the existing site layout it is accepted that it is difficult to provide a frontage elevation to every road. However, the applicant is proposing some public artwork at a key point at the rear and there is space for a significant area of landscaping which is important to screen the plant zone and soften the impact of the building.



- 58 Overall, the new development is considered to be acceptable in design terms and a fair replacement for the existing buildings. The two main elevations are broken up with glazing and inset panels to break up the mass and includes an area for public art. On the basis of the above, subject to the planning conditions as outlined, the proposal is considered to accord with planning policy CS41 in respect of design and visual amenity.

Impact on residential amenity including noise

- 59 The site is already in commercial use and is occupied by retail warehouse buildings and car parking. There are commercial deliveries and activity and general noise associated with that including plant. There is also a restaurant which operates well into the evening. The main issues are: -
- the impact of the new building on the properties in Lawford Road
 - the opening up of the site for properties in Wimborne Road
 - new plant requirements

- 60 The new building will have a greater impact in parts on neighbours in Lawford Road than the existing as it covers a wider part of the site and it is set at a higher level. At present the part of the site between the retail buildings is open with a small coppice of trees giving a pleasant open aspect. Whilst all of the properties in Lawford Road will have their outlook changed to some extent the property most affected is 7 Lawford Road. The property only has a small rear garden and the new building will be about 9m at the closest point however where the bungalow is stepped and the part of the building that is the higher section the distance is about 13m. They will be presented with a blank wall. Originally the building was about 6m high. However, the design has been revised to step down the building to a height of about 4.4m. Although it rises and steps up further from the boundary it will not be as imposing and will allow more light into their property. The impact of a building for loss of light is commonly assessed by looking at a 45 degree zone of space from nearby residential windows. This is assessed by setting a viewpoint from the middle of a window on a property that might be impacted and then setting a 45 degree line out from that point. If the line does not intersect any part of the new building on the horizontal or vertical plane it suggests that sufficient light will be able to reach the window in question. Also as another guide in terms of impact on amenity a commonly used guide suggests that where a property has an outlook onto a blank 2 storey flank elevation a distance of 12.5m should be achieved so the 13m distance proposed for the higher part of the building is considered acceptable. The impact is also lessened as most of the shadowing will fall to the north as the property has a west/southwest aspect towards the sun.
- 61 The building is separated from the properties in Lawford Road by a narrow service road and the proposed building will be set in from the boundary to allow for some landscaping. Whilst the outlook will change for residents it is considered that in terms of impact the proposal is acceptable and will not affect adversely residential amenity and would not be in conflict with policy CS41 or design guidance to a degree that would justify objecting to the development.
- 62 The properties fronting Wimborne Road currently have a long building and service yard along their boundaries with the site. 1101 Wimborne Road will be most affected as it adjoins the site. As the new building has a different design and siting it will no longer have an overbearing impact on their current rear northerly outlook. However, the site will be more open and they will be more aware of and be affected by the activity on the site. Three new car spaces will be located close to the boundary although the other car parking areas will have a landscaped buffer. As the site will be more open the residents will be able to see the lit car park during the evening. Only lower levels of light will spill into their garden from the car park. Overall I do not consider the disturbance from the car park will be significant and a boundary fence can be provided to help mitigate any potential nuisance.
- 63 The Environmental Health Officer has been consulted about the proposal and the main concerns are with late night activity and deliveries and noise from plant equipment. With regard to plant noise the equipment will be designed to ensure that any noise does not exceed background levels to an unacceptable degree. The plant will be designed appropriately to include acoustic screening to ensure that the noise is restricted to the levels agreed by the Environmental Health Officer. Conditions will be added to ensure that the noise mitigation is maintained. The site currently has the following restriction on hours – *“The uses hereby permitted shall only be open for business between the hours of 7 a.m. and 11 p.m. and at no other time.”* The current application suggests that the store proposes to be closed between the hours of 22.00 pm and 07.00 am 17.00 pm on Sundays. A condition will be added to follow these hours. Separately there was concern about deliveries at unsocial hours at nighttime. The Environmental Officer has now specified that deliveries should be restricted and should not take place between 22.00pm and 07.00 am (or 18.00 on Sundays and Bank Holidays).

- 64 On this basis, it is considered that the proposal would be acceptable in terms of residential amenity and can further be mitigated by conditions relating to landscaping, hours of operation and screen fencing and overall it is considered that the proposal would accord with policies CS38 and CS41 of the Bournemouth Core Strategy.

Impact on the drainage

- 65 Both the existing and proposed site layouts have limited opportunity to provide large areas for infiltration of water on the site. Therefore, the existing sewer will be utilised for surface water drainage. However, the applicant has negotiated with Wessex Water and agreed to ensure that flows into the public sewer are restricted with a filtration tank. Therefore, on the basis of the comments from the drainage engineer and the conditions recommended, the proposal would be compliant with policy CS4 of the Bournemouth Core Strategy document.

Biodiversity Issues

- 66 The application was submitted prior to the requirements in the legislation requiring statutory Biodiversity Net Gain (BNG). However, as part of the pre-application process the applicant had been asked to address the matter of biodiversity and is providing enhancements on site. In this respect the applicant has submitted a report which indicates that there are biodiversity enhancements. Notwithstanding the removal of existing trees and some landscaped areas there are some enhancements with the retention of 16 trees and part of the hedgerow as well as the planting of ornamental shrubs, scattered trees, and a native hedgerow. The Council's Biodiversity Officer has negotiated a change to the original scheme and together with the replacement tree planting and the species proposed the scheme is considered to have acceptable biodiversity credentials given that the scheme is not subject to statutory BNG.

Transport issues.

- 67 The Transport Officer has assessed the proposal in detail and his comments are set out below.
- 68 *Access The vehicular access to the site will be retained in the same location as existing, albeit with the access carriageway widened in line with operational requirements. This is deemed appropriate for the safe and efficient servicing of the site by HGV's. Indeed, the submission of indicative vehicular tracking diagrams suggests that HGV's can service the site safely. Moreover, the servicing of only one commercial unit in one specific delivery area is a considered a betterment of existing servicing arrangements associated with multiple commercial units. The retention of the existing give way junction arrangement at the rear of the footway continues to prioritise pedestrian movement and is therefore acceptable. The provision of the associated vehicular visibility and driver/pedestrian inter-visibility splays are noted. The provision of a segregated pedestrian path to the southern side of the vehicular access provides safe passage between the public highway and the store entrance. Notwithstanding, the removal of the path from the northern side, as per the existing arrangement, would result in pedestrians walking diagonally across the vehicular access on the desire line causing unnecessary conflict with vehicular traffic. The LHA expects this path to be reinstated and an associated crossing installed within the site. Alternatively, the access could be redesigned to accommodate natural pedestrian desire lines. The provision of a new 'ramped' pedestrian access off Castle Lane West, near its junction with Muscliffe Lane, is an improvement upon existing site conditions. The access will be situated adjacent to pedestrian crossing improvements scheduled to be enhanced as part of the council's Transforming Cities Fund (TCF) programme of works to improve sustainable transport infrastructure within*

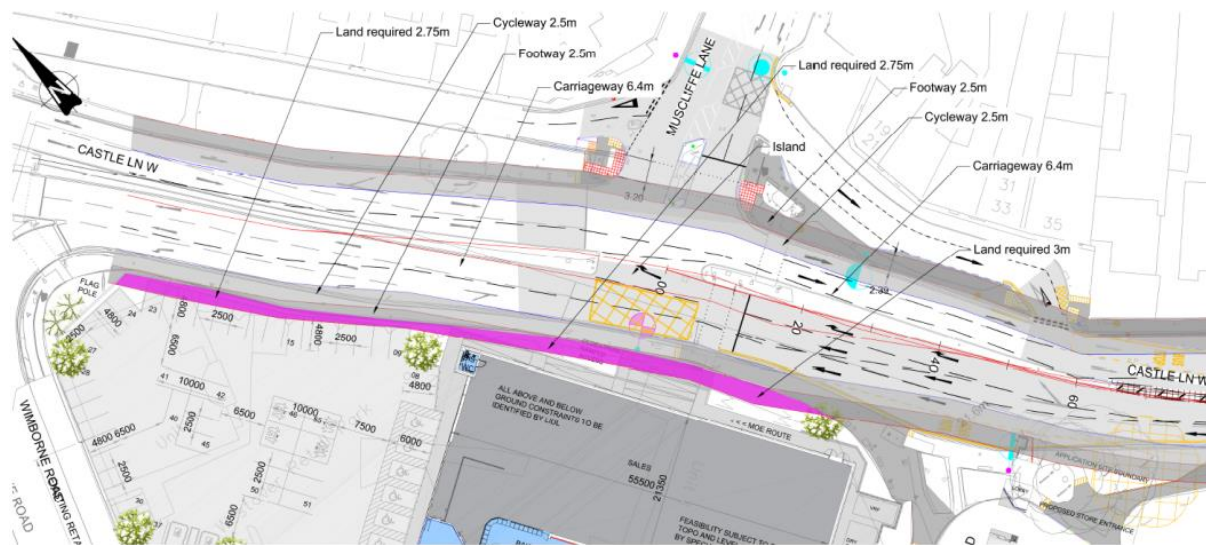
the conurbation. Additional design detail of the proposed access ramp is required with particular emphasis on width and gradient. The construction of the ramped access is expected to comply with design guidance detailed within the DfT publication *Inclusive Mobility* (2021) to provide convenient access for pedestrians, cyclists and wheelchairs users. Low level lighting will be required for users to navigate the slope and corners during the hours of darkness.

- 69 **Vehicular Parking** In accordance with the BCP Parking Standards SPD 2021 (Parking SPD), the application site is located within parking zone D. Consequently, a store with circa 1926m² GfA generates a parking demand for 77 motor vehicles. The provision of 81 spaces for staff and visitors exceeds the council's requirements by 4 spaces. The design and layout of the parking arrangement generally accords with the Parking SPD and is acceptable. The provision of 6 disabled bays is adequate. The Parking SPD requires development to be future proofed ahead of the expected transition to electric vehicles. Additionally, the NPPF (2021), requires new development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. As standard, for non-residential development, the Parking SPD requires 30% of all parking spaces to be fitted with 'active' electric vehicle charging infrastructure (EVCI) which in this instance equates to 24 spaces. Consequently, the provision of EVCI in only 2 bays is inadequate. Whilst the LHA acknowledges that the existing retail development has no EVCI, and notes that rapid 50kW chargers provide more capacity than standard 7kW charge points, this proposal materially alters the existing parking layout which provides ample opportunity to install additional charging points. The proposed EVCI specification dictates that 2 charging bays and associated infrastructure can be provided within the footprint of 3 standard bays. Consequently, the installation of a further 8 charging bays (10 in total) would reduce the parking provision by 4 spaces whilst still meeting SPD requirements. In any event the remainder of the spaces will be expected to provide for passive provision and therefore later conversion to active charging points.
- 70 **Cycle Parking** The proposed store generates a parking requirement of 29 cycle spaces (1.5 spaces/100m²) for visitors and staff. For comparative purposes, it is noted that the existing development offers 34 cycle spaces across 17 Sheffield type stands throughout the site. Whilst the design and location of the proposed cycle shelter is acceptable the provision of only 10 spaces is significantly substandard and therefore unacceptable. The submitted Transport Assessment (TA) uses indicative TRICS data to inform the cycle parking requirement however, the LHA takes a more localised approach to the promotion of sustainable travel modes within the BCP area. The stated cycle parking requirement serves staff and visitors of the store and aims to actively increase uptake of this mode of transport, it is not based on existing user patterns only. Given its location on a main TCF corridor a higher than census background level of cycle traffic would be expected.
- 71 **Vehicular Trip Generation - Network Impact** The applicant has submitted a comprehensive TA including an analysis of the impact of the proposal on the wider transport network. The LHA agrees with the TA's assessment that a proportion of vehicle trips to the store would already be on the highway network as there will be some pass by trips and diverted trips. Consequently, vehicular trip generation associated with the proposed store will predominantly result in vehicle routing changes rather than a pro-rata uplift in traffic utilising local highways. For context, latest traffic survey figures for Castle Lane West, in proximity to the site, indicate an annual average daily flow (AADF) of circa 20,250 vehicular movements. If considered without any transferred (pass by or diverted) trips, the proposal would generate an increase of under 5% in daily vehicle trips (1012) to this existing daily flow. However, transferred trips from vehicles already on the network must be considered and when these are factored the resultant increase on the existing daily network flow, represents an expected

maximum increase of only 3.5% (708 vehicles). Additionally, it should be noted that not all vehicular traffic will be travelling along Castle Lane West via the Castle Lane West/Wimborne Road signalised junction. Vehicular trips generated by the site will be dispersed into the wider network both to the northwest towards Redhill Drive and to the south along Wimborne Road. Consequently, the LHA consider there will be a net increase in vehicular trips of less than 3% on the immediate road network surrounding the site. Accounting for the expected net increase of all non-transferred trips arising from the proposed development, the new store is expected to result in a negligible impact on the wider highway network. An average increase of one vehicular movement entering the highway network (from the site) every 1-2 minutes across peak hours. Based on Junction Modelling using LinSig software and datasheets confirming the correct phasing settings provided by BCP signals, the Castle Lane West/Wimborne Road traffic junction will result in an average queue increase of 2-3 PCUs across peak hours on the busiest arms of the traffic junction – Castle Lane West (WB internal) and A3060 Wimborne Road (northwest) respectively. Queues at all other arms of the junction are expected to result in a maximum increase of one PCU or less across peak hours. Extended queues of this length are minimal and along the A3060 will have no direct material impact on the operational safety of the traffic junction. The National Planning Policy Framework (NPPF) refers to mitigating the traffic impacts of development but it also refers that any mitigation must be cost effective. Solutions to providing significant enhancements to traffic flows through the Castle Lane West/Wimborne Road traffic junction would not be proportionate to the traffic impact of the proposal. In planning terms, it is not for this proposal to mitigate existing traffic congestion problems, it need only mitigate its own impact. Considering the existing levels of traffic and congestion in the area, the expected traffic increase of less than 3% on the highway network and that the customer traffic to this store will generally be spread out over a long period of the day outside of peak commuter traffic times, the LHA do not consider that the residual cumulative impacts of the vehicular traffic from this proposal will be severe on the existing network. Pursuant to paragraph 111 of the NPPF, a reason for refusal on this basis could not be substantiated.

- 72 Non-Car Trip Generation - Network Impact The Council's long term aim to reduce traffic flows is to encourage modal shift to more sustainable modes of transport (e.g. public transport, bicycle), particularly during peak commuter periods. The LHA considers that a significant increase in non-car trips will be generated by this proposal. Submitted data indicates an expected net uplift in non-car trips to/from the site of 175% during weekdays and 337% on Saturday's. Pedestrians are expected to account for 83% – 91% of non-car trips to the proposed store, with 7% – 12% of trips being undertaken via cycle and 2% – 5% via public transport. In light of this, the LHA expects the applicant to mitigate the impact of the proposed development upon existing sustainable travel infrastructure. The provision of improved crossing facilities to provide direct safety mitigation for increased pedestrian and cycle traffic visiting the store is required in the form of a pedestrian crossing on Wimborne Road, to the south of the site entrance. The new crossing will serve a key walking route to the site from the large residential area to the west and south of the proposed development. Currently, no dedicated crossing facility is available in the immediate vicinity of the site to cater for this demand. Additionally, the new crossing will provide safe passage to the bus stop opposite the site adjacent to the northbound lane of Wimborne Road. The improvement of this existing infrastructure is also required thus the delivery of a Real Time Information (RTI) system would benefit future shoppers of the store. The sustainable travel infrastructure works mentioned above, are to be funded/constructed by the developer. These works can be secured via an appropriate legal mechanism with a S278 Agreement also being required for the off-site works. As part of the TCF programme of works, the council has designed highway improvement schemes along the Castle Lane West Transport Corridor. These include the extension of the segregated cycle track up to Redhill Roundabout to complete the strategic network already installed on Castle Lane to Northbourne Roundabout. Such works will

connect several upgraded sections of cycle track. Consequently, the dedication of land along the entirety of the northern site boundary is expected to facilitate a widened footway/cycle way. Given the necessity to accommodate the dedicated cycle track in future in this location, an approximate 5m setback from the existing kerb line is required, which results in a varying dedication width of up to 3m along the site frontage, see indicative sketch below:



The dedication of land mentioned above would impact upon the proposed site layout including the car parking arrangement and the ramped access construction. Notwithstanding, these matters are for the applicant to address through appropriate design. The land dedication would be secured through an appropriate legal mechanism.

- 73 Travel Plan A Travel Plan will be required to take forward the opportunities identified in the TA, particularly in regard to promotion and delivery of sustainable transport initiatives e.g., walking, cycling, public transport, details of which can be secured by condition.
- 74 As set out in the Transport Officer comments above the proposal is considered to be generally acceptable in terms of traffic generation, parking and safety. The existing access point will be utilised. Also, it is relevant to note that the overall floor space is less on the site than the current development and therefore fewer car parking spaces are required when assessing the development under the Parking SPD. Food and non-food retail uses are categorised similarly under the SPD. Additional cycle storage bays and EV charging points are to be provided. Clearly the applicant is hoping that the new store will be well used and it is likely to be busier than the current development. However, in planning assessment terms regard has to be given to the existing use when assessing the characteristic and likely impact of a new scheme. Also, whilst the site currently may not be overly busy if the current scheme does not proceed different occupiers in the existing buildings could generate more activity on site. Many of the local residents have expressed concern about the traffic implications of the new supermarket but in general traffic generation terms it would be difficult to object to the scheme on these grounds as the planning assessment should be made on the requirements generated by the proposed floorspace in accordance with the SPD.
- 75 The Transport Officer has secured some benefits and is now satisfied with the onsite EV charging points and cycle parking provision. Also, with this new scheme a financial contribution is to be made towards improved bus facilities and the applicant will provide a better crossing point for pedestrians across Wimborne Road.

- 76 The major outstanding concern of the Transport Officer is that they would like to achieve a dedication of land on Castle Lane West. This is required by them to upgrade the current cycle route at the junction to improve and upgrade the currently designed cycle route along Castle Lane. The applicant has stated that they are not able to provide this land as it would have significant implications for the number of car spaces that they can provide on site and would render the scheme unviable from their perspective. The provision of a better cycle route on Castle Lane is a worthwhile project. The site lies at the junction of two key transport routes and Policy CS13 sets out that these will be improved especially for cycling.
- 77 Policy CS14 of the Core Strategy requires new developments to make appropriate contributions. However, any contribution should be proportionate to the impacts of the development, and this can be assessed by looking at the additional trips generated by the proposed development. The number of trips relates principally to the floor space created and comparing that to the current situation. As the floorspace is less than the current buildings there will be fewer trips generated from the development. For this reason, it is considered that there are not strong enough planning reasons for insisting that the land is dedicated to the Council.
- 78 The District Wide Local Plan shows a highway improvement scheme on the proposals map to improve the junction of Castle Lane West/Wimborne Road/ Muscliffe Lane. When the previous retail scheme was carried out in 2000 the previous developer dedicated land to the Council to provide a slip road from Castle Lane into Wimborne Road. Therefore, applicant has made the point that the site has already met its planning requirements in this respect. Also, the Council has already designed a cycle route at this point and although the additional land would make the cycle scheme better it would not prejudice the improvements already proposed. In the circumstances it is not considered that the application should fail on this point even though the improvements to the cycle network are an important aim for the Council.

Sustainability

- 79 The proposal meets the Councils requirement for 10% of the energy requirements to be met by renewable means. The applicant has submitted an energy report and the requirement will be enforced via a planning condition.
- 80 Policy CS2 says that the Council will encourage commercial developments to achieve a good standard of sustainable construction with a BREEAM 'Very Good' rating. The Building Research Establishment Environmental Assessment Methodology (BREEAM) accreditation is administered by the Building Research Establishment (BRE) which uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. Lidl generally work towards a 'Very Good' rating for all their stores, and that will be the case at Westover. However, Lidl have indicated that as the proposed building is not a standard format store where the design is already known in some detail, but a bespoke design that has had to be adapted to fit the building on the site and therefore they cannot guarantee that 'Very Good' rating will be achieved. However, they have agreed to a condition requiring the submission of a BREEAM Design Stage Assessment to aim to achieve a 'Very Good' rating. The suggested condition is as follows. "Prior to the commencement of development, a BREEAM Design Stage Assessment shall be submitted to the LPA, which should demonstrate that reasonable endeavours have been made to try and secure a final 'Very Good' rating. Within 1 year of the development being occupied a post-construction assessment to confirm the final BREEAM rating shall be submitted to the LPA for their approval". Given that the policy only

encourages rather than requires compliance and given the site constraints it is considered a reasonable approach.

Planning Balance / Conclusion

81 A summary of the main points of the proposal is set out below.

- The proposal replaces an existing retail use with another of similar but slightly less floorspace.
- A food supermarket is proposed rather than the current traditional retail warehousing type uses.
- The proposal will inevitably have some impact on other nearby retailing. However, the floorspace of the proposal is below the threshold for requiring a retail impact assessment. Nevertheless, the Council has sought the opinion of retail consultants, and they have concluded that the impact would not be significant on nearby centres even taking into account another proposed store at Wallisdown which is in the pipeline as the cumulative impact is relevant. The Council's policy officers similarly raise no objection.
- The policy requires that a sequential test is carried out to establish whether there would be any better sites for the proposal within existing town centres. However, it is accepted that there are no other suitable or available sites.
- A single larger building is proposed rather than 3 smaller buildings. This will change the character of the site. The three existing buildings are less monolithic but the proposed building is still low rise and is broken up in design terms with glass and panelling.
- The positioning has changed the existing layout with the new building being set back into the rear of the site with all the parking in front.
- The proposed topography has altered the site levels which have resulted in an increased height towards the rear of the site meaning the building, retaining walls and car park will be more dominant at the rear and from Castle Lane West.
- In terms of neighbour impact, it will be more imposing at the rear in Lawford Road and more open to the properties in Wimborne Road.
- To mitigate the transport impacts the applicant is making a contribution towards improved real time bus information and is providing a better crossing on Wimborne Road.
- Many of the trees planted on the site in 2000 are to be removed but a new landscaping scheme is proposed including replacement tree planting. Overall the site will retain a landscaped setting.
- A public art scheme is proposed.
- A new pedestrian access is to be formed off Castle Lane to give better access from Muscliffe Lane.

82 Two of the main design issues are that the site fails to provide for an improvement to the Council's cycle lane proposals and that the existing trees and landscaping on the site will be eroded. Ideally the redevelopment of the site should accommodate the requirements of the transport team by providing land for the proposed cycle route. Similarly, if there was more space on the boundaries the existing trees could be retained and many more additional ones planted. However, the applicant is clear that they cannot meet these requirements under the current design concept as their retail unit needs to be a certain size and arrangement. If additional space is provided for trees and the widening of the cycle route, it would have significant consequences and would jeopardise the optimum operation of the store on this particular site. Nevertheless, they have compromised by reducing the number of on site car parking spaces to allow for more landscaping on the Castle Lane West frontage and are still able to meet the parking guidelines. In balancing the issues it is considered that the requirement to dedicate the land is unreasonable given that the site has previously dedicated land and the Council has already designed the cycle route without the land. It is also

considered that the site has sufficient space for landscaping and trees to provide an acceptable setting for this commercial building in an urban setting.

- 83 Objectors to the scheme have suggested that a food store on this site could compromise the traditional shopping outlets in Moordown and retail uses and centres further afield could suffer. It could lead to the closure in time of the Winton Lidl which strongly supports that centre. However, Lidl have said that this is not their plan at present as it is well supported by the student population in the area. Importantly the retail advice the Council has sought suggests that any impact will not be significant to a degree that the current application should be resisted. Those in support of the application indicate that there is clearly a demand for this supermarket and there is a ready and waiting catchment nearby particularly to the north, east and west. The large residential suburbs of Muscliff and Redhill will find this supermarket convenient, and it will be closer to many residents in those areas than current retail options.
- 84 Some of the local objectors are concerned about traffic as at present the existing uses do not seem to utilise the entire parking area. However, the proposed number of cars spaces is less and the overall floor area of buildings is less than existing. If the supermarket proposal does not proceed and the existing use remains potentially the site could be much busier if alternative uses come forward.
- 85 Whilst it does seem a waste of resources that such a relatively new complex built within the last 25 years should be demolished and redeveloped this needs to be balanced against the benefits of a new regenerated use constructed with good energy credentials. In terms of sustainability the new development will meet the energy requirements of the core strategy policy and drainage will be improved by agreement with Wessex Water.
- 86 Local residents will have some impact on their amenity from the proposal with a larger building and more activity, potentially. However, on balance the impact is considered acceptable and is supported by the Environmental Health Officer. Conditions will be added to ensure any noise nuisance and hours of operation are controlled. Overall, the proposal is considered to be acceptable in residential amenity terms and in accord with policy CS 38 and CS41 of the Corse Strategy.
- 87 Overall when balancing all of the issues set out above it is considered that the proposal should be supported. It involves new economic investment to provide a proposed use that is popular, looking at the representations submitted. It will result in the regeneration of a tired site meeting the aspirations of policies for economic growth and sustainable development whilst protecting amenity. The design includes landscaping and public art that will ensure that the development will sit comfortably in this location.
- 88 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the economy, character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

- 89 **GRANT** and subject to a 106 agreement for

A financial contribution of £66,800.00 for sustainable travel measures to mitigate the impact of the proposed development on the surrounding highway network. This comprises of:

(a) Contribution to the 7-year monitoring of the Travel Plan equating to £6,800.00.

(b) Contribution of £50,000.00 to enable the delivery of a controlled pedestrian crossing on Wimborne Road.

(c) Contribution of £10,000.00 contribution for RTI improvements to bus infrastructure along Wimborne Road.

The highways contribution is to be index linked from the date of the decision notice to the payment of the contribution based on the Retail Price Index, produced by the Office for National Statistics

with the following conditions;

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

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

Proposed site plan ref. 7715-00-2003-C9.

Proposed levels strategy ref. 7715-00-2004-C5

MoE stair - setting out and details ref. 7715-00-2009-C2.

Pedestrian ramp - setting out and details ref. 7715-00-2010-C3.

Proposed street scene (1 of 2) ref. 7715-00-2011-C7.

Proposed street scene (2 of 2) ref. 7715-00-2012-C10.

Proposed boundary treatments ref. 7715-00-2013-C6.

Section Drawing. 7715-00-2014-C2.

Site Block Plan 7715-00-2015-C3

Proposed roof plan. 7715-00-2102-P2.

Proposed elevations ref. 7715-00-2103-C4

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

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

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

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

3 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:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
- Deliveries, waste, cranes, equipment, plant, works, visitors;

- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;
- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians); • Arrangements for temporary facilities for any bus stops or routes;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- noise reduction measures [including times of piling operations];
- details and siting of equipment, machinery and surplus materials on the site; and the
- wheel-washing facilities to be provided on-site to clean the wheels of all construction vehicles leaving the site.
- measures to control dust

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

4. Surface Water Drainage

The surface water drainage scheme contained within the updated Flood Risk Assessment and SUDS Report compiled by Mayer Brown submitted with the application shall be implemented in full, maintained and retained thereafter.

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

5. Materials to be agreed

Details/samples of the [Roof Cladding; Brickwork panel; Render; Fenestration types; Joinery details] to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.

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

6. Cycle Parking

Before the first use of the development hereby approved, the cycle parking consisting of Sheffield stands at 1.0m centres, shall be erected as shown on the approved plans and thereafter be retained, maintained and kept available for the occupants and customers of the development at all times.

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

7. Service and Deliveries Management Plan

Prior to the first use of the development a detailed Service and Deliveries Management Plan shall be submitted for approval in writing by the Local Planning Authority. The approved Service and Deliveries Management Plan shall be implemented upon occupation of the development and the Service and Deliveries Management Plan shall be permanently complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

8. Electric Hook-up Points for Refrigerated Vehicles

Suitably located electrical point(s) shall be provided adjacent to the on-site loading/unloading area for delivery vehicles. The electric hook up point(s) or socket(s) to be used for electrical connection to Refrigerated Lorries shall include a device to force the plug clear of the socket should the vehicle driver forget to remove the socket before driving the vehicle away from the development. Details of the electrical point(s) shall be provided to the Local Planning Authority for written approval within three months of commencement of the development. The electrical point(s) shall be implemented in accordance with the approved details and shall be permanently retained thereafter.

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

9. Soft Landscaping

Prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works and tree planting, including underground linked tree planting pits shall be submitted to and approved in writing by the Local Planning Authority. If any tree shown to be retained requires removal a replacement must be provided with this soft landscape scheme. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e) programme of implementation. The approved soft landscape scheme shall be implemented in full prior to the occupation use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

10. Landscape Maintenance

A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the establishment and management of the landscaped areas and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002)

11. Arboricultural Method Statement

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

(a) the specification and position of fencing and other measures such as temporary surfacing, for the protection of the roots and crown spread of trees, groups of trees and other vegetation to be retained on and adjoining the site. Protective fencing should accord with the recommendations of BS 5837:2012. Trees in relation to design, demolition and construction. Recommendations.

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

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

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

(e) schedule of proposed tree works.

The details contained in the arboricultural method statement shall be thereafter implemented on site and the protective fencing and other protective measures shall be maintained during the course of construction.

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).

12. Boundary Treatment (Location shown on plan & type on forms)

Prior to the occupation of the development hereby approved fence(s)/wall(s) shall be erected in the position(s) shown on the approved plans of the type and dimensions specified. The fence(s)/wall(s) shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

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

13. No Additional Floorspace to be Created Without Planning Permission

No additional floorspace shall be created within the building in excess of that hereby approved and as detailed on the approved floor plan without the prior express grant of planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority retain control over the retail floorspace within the building hereby approved in the interests of the vitality and viability of existing shopping centres and in accordance with saved Policy 5.26 of the Bournemouth District Wide Local Plan (February 2002)

14. Procurement and provision of Art Works

Notwithstanding the details shown the building and site shall include details of public artwork to be provided:

- i) on the northeast side elevation and northwest front elevation, in the two locations detailed on the proposed elevations drawing 2103-C4;
- ii) on the pedestrian ramp off Castle Lane West; and
- iii) on the retaining wall below the northeast end of the building, facing Castle Lane West at a point close to Lawford Road.

The design shall be formulated after the building has been substantially completed to enable a full analysis of the context and setting. The agreed scheme shall be implemented in full within a period of 6 months from the substantial completion of the development unless otherwise agreed in writing with the Council. The approved artwork shall thereafter be retained and maintained.

Reason: To maintain the character and appearance of the building and to ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy 4.24 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012) .

15. Surface Water Management Scheme

No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological & hydrogeological context of the development, available capacity of receiving systems and providing clarification of how drainage is to be managed during demolition & construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect available receiving systems.

16. Future management of surface water scheme

No development shall take place until finalised details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Informative Note: Please be advised that the 15 l/s discharge rate 'for all storm events up to and including the 1 in 100 yr event plus climate change' is quoted as a maximum that would be acceptable to Wessex Water. However, we would consider the 15 l/s to be a conceptual maximum

figure and would highly recommend, in accordance with best practice, that the applicant makes effort to reduce this discharge rate and explores options to further align this with their greenfield rate calculations.

17 Noise Mitigation Measures

All noise mitigation recommendations specified in the noise impact assessment by Acoustic Consultants Ltd report ref: 9642/LN shall be installed prior to use of the development commencing and shall be retained and maintained thereafter.

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

18 Deliveries

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), outside of the hours 0700-2200 Monday to Saturday and outside of the hours 0800-1800 on Sundays and Bank Holidays.

Reason: In the interests minimising noise nuisance and public amenity, in accordance with Policy CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

19 Vehicular Access/Parking/Turning

Before the development is occupied or utilised the access, turning and parking areas must have been constructed and arranged as shown on the hereby approved plans. 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.

20 Electric Vehicle Charging Points

Notwithstanding details shown on the submitted plans, within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging 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 SPD (adopted 6th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved or any use hereby approved 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.

21 Travel Plan

Before the development hereby approved is occupied or utilised, a revised Travel Plan must be submitted to and approved in writing by the Planning Authority. The Travel Plan, will include:

- Agreed targets for sustainable travel arrangements.
- Agreed effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.

- Agreed effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development.

The development must be implemented only in accordance with the approved Travel Plan.

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 and in the interests of highway safety and promoting sustainable modes of transport, in accordance with Policy CS15 of the Bournemouth Local Plan Core Strategy (October 2012).

22 Scheme to be agreed for security measures including gates, surveillance and access.

The development hereby permitted shall not be occupied until details of security measures for the site in accordance with the advice given by the Dorset Architectural Liaison Officer and shall include video recording equipment and security measures/gates at the premises has been submitted to and agreed in writing by the Local Planning Authority. The approved equipment/measures shall be installed prior to the use or occupation commencing and shall be retained, maintained and used thereafter.

Reason: To help monitor and prevent nuisance and in accordance with Policies CS5 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

23 Energy Strategy

The energy strategy shall be implemented in accordance with the ENERGY USAGE & SUSTAINABILITY STATEMENT submitted with the application. Furthermore prior to the commencement of development a BREEAM Design Stage Assessment shall be submitted to the LPA, which should demonstrate that reasonable endeavours have been made to try and secure a final 'Very Good' rating. Within 1 year of the development being occupied a post-construction assessment to confirm the final BREEAM rating shall be submitted to the LPA for their approval.

Reason: to ensure that the development meets the requirements of policy CS2 of the Core Strategy.

24 Hours confined between 07.00 & 22.00 Mon-Sat and Public/ Bank Holidays and 10.00 - 17.00 on Sundays

The use hereby permitted shall trade only between the hours of 07.00 and 22.00 on Monday to Saturday as well as Bank and Public Holidays, and between the hours of 10.00 and 17.00 on Sunday.

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

Informative Notes: Streetworks

Prior to construction commencing on site, the applicant/site developer is strongly advised to contact the Streetworks Team on 01202 128369 or streetworks@bcpcouncil.gov.uk to discuss how the highway network in the vicinity of the site is to be safely and lawfully managed during construction. This team is responsible for managing the highway network and must be consulted

prior to you commencing any work that you are undertaking that may impact on the operation of the public highway. They will also be able to advise on any Permits, Licences, Temporary Traffic Regulation Orders (TTROs), traffic signal or ITS changes and signing requirements, together with co-ordination of your work in relation to the planned work of other parties on the public highway. Some procedures, require significant lead in times and therefore early engagement is essential. Therefore, to avoid any delay in starting work it is strongly recommended that you make contact at least 3 months before you plan to commence work. Failure to do so may result in delay in starting work. If any permanent changes are required to Traffic Regulation Orders (TROs), please note that these can take a minimum of 9 months to process and this period should be considered when planning your project

Informative Note: Kerb and footway reinstatement

INFORMATIVE NOTE: As a consequence of vehicle access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge if appropriate) restored. Normally the Highway Authority will undertake this work at the expense of the applicant although on occasion there might be instances where the applicant under supervision can undertake this work. The applicant must contact the Service Director, Technical Services, Town Hall Annexe, St. Stephen's Road, Bournemouth BH2 6EA to initiate the procedure.

Informative Note: No storage of materials on footway/highway

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

Informative Note: Highway and Surface Water/Loose Material

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

Informative Note: Work affecting public highway

INFORMATIVE NOTE: The applicant is informed that any works arising from the development and having a direct effect upon the public highway, shall be carried out in consultation with the Local Highway Authority and to the specification and satisfaction of that Authority. It is recommended that the applicant contact the Service Director, Technical Services, Town Hall Annexe, St. Stephen's Road, Bournemouth, BH2 6EA, to undertake the required consultation.

Informative Note: Advert Approval Required

INFORMATIVE NOTE: This permission does not convey consent in respect of any advertising on the premises, for which a separate application under the Town and Country Planning (Control of Advertisements)(England) Regulations, 2007 (or any subsequent Order or Regulations revoking or re-enacting these Regulations with or without modification) may be necessary.

Informative Note: CIL liable development

INFORMATIVE NOTE: This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

Statement required by National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

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

In this instance:

the applicant was not provided with pre-application advice, but the application was dealt with following discussions with the applicant and subsequent amendments.

Background Documents: 7-2023-1927-BT

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.

Notes. This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972. Reference to published works is not included.