

# Planning Committee



Application Address	Westover Retail Park Castle Lane West Bournemouth BH9 3JS
Proposal	Redevelopment of the Westover Retail Park to provide a Class E(a) retail store with associated parking, landscaping and access works.
Application Number	P/25/02274/FUL
Applicant	Mr Oliver Roberts - Lidl
Agent	Mr Chris Tookey - Carney Sweeney
Ward and Ward Member(s)	Moordown Cllr Joe Salmon Cllr Kate Salmon
Report status	Public
Meeting date	22 January 2026
Summary of Recommendation	<b>Grant in accordance with the details set out below</b>
Reason for Referral to Planning Committee	<p>At the request of Councillor Joe Salmon for the following reasons:</p> <p><i>I am requesting that this application be determined by Planning Committee due to continuing and unresolved conflicts with national and local planning policy, notwithstanding revisions made since the previous refusal.</i></p> <p><i>In particular, I remain concerned about the quality of the proposed design and its relationship with the surrounding area, especially along Castle Lane West. I believe the scheme remains visually poor, overly box-like, and insufficiently articulated, with an inactive frontage dominated by signage and limited contribution to the public realm re: 135 of the National Planning Policy Framework.</i></p> <p><i>I am also concerned about the impact of the scale and massing of the building on nearby residential properties, including potential harm to residential amenity through dominance, outlook, and operational disturbance, which raises issues under the NPPF requirement to create places</i></p>

	<p><i>with a high standard of amenity for existing and future users.</i></p> <p><i>Given the planning history of the site, the professional advice received, and the cumulative nature of these issues, I consider the application raises matters of sufficient significance to warrant consideration by Planning Committee rather than determination under delegated powers.</i></p>
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 retail units'. This is an amended proposal following the refusal of a similar scheme earlier in the year. The main change is that the proposal now includes space to dedicate to the Council land for a cycle route on Castle Lane West. As a result, the store and car park is slightly smaller.

2 The key features of the proposal are as follows: -

- A new single building with a gross internal area (GIA) of 1,843sq m and a net sales area of 1,175sq m. (Currently the existing development comprises 3 non-food retail units and 1 restaurant totalling 2,125 sq m gross floorspace;
- Includes an onsite bakery;
- A total of 75 car parking spaces will be provided including 5 disabled spaces, 6 parent and child spaces, and 2 electric vehicle charging bays, with further passive EV charging infrastructure to 20% of the overall parking provision. Covered cycle parking is also provided for 24 customer bicycles, with a further 5 cycle racks for staff within the store warehouse. (currently parking for 100 cars);
- Eaves height of building – 4.96m. The sloping roof rises about another 2m;
- The design and materials are modern and the walls are almost all brick (with no piers) with limited amounts of render on the side elevation at the end and at the edge of the poster panels, timber cladding. The walls have red brick panelling and 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 Council's 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 initially with the Council and following the previous application have resubmitted and updated where appropriate 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 had previously 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. However, this has not been carried out again for the revised proposal given the relatively short intervening period.

### **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 Note the following table

P/25/00830/PND EM	Westover Retail Park  Wimborne Road  Bournemouth  BH9 3JS	Clear the site prior to proposed redevelopment.	Granted	02/05/25
7-2023-1927-BT	Westover Retail Park  Castle Lane West  Bournemouth  BH9 3JS	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.	Refused	30/01/25
7-2023-1927-BU	Prama  Unit 3a Westover Retail Park  Castle Lane West  Bournemouth  BH9 3JS	Retrospective application to install 4 x non-illuminated signage boards	Granted	05/10/23
7-2000-1927-AT	Westover Retail Park  Wimborne Road  Bournemouth  BH9 3JS	: 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
Various other applications for advertisements and minor works but nothing significant or relevant to the current proposal.				

7 The “AT” permission above 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.*

### **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 key points of the policy advice is summarised as follows

### Retail Policy:

The proposed Lidl store has a gross internal area of 1,843 sq m and a net sales area of 1,175 sq m, slightly smaller than the previous application (ref 7-23-1927-BT).

A sequential test was conducted for the previous application, concluding no suitable alternative sites within or on the edge of designated centres.

The Council's independent retail impact assessment for the previous application found minimal impact on nearby district centres and no significant adverse effects on other designated centres.

The current application adopts the same trade diversion pattern as the previous assessment, with a smaller turnover and reduced impact.

As the draft BCP Local Plan has been withdrawn, the national threshold of 2,500 sq m for retail impact assessments applies, and no retail impact test is required.

### Mixed-Use Scheme:

The previous application was refused for failing to provide land for walking/cycling networks and not incorporating a mixed-use commercial and residential scheme, contrary to NPPF Chapter 11 and Policy P19 Site M1 of the withdrawn BCP Local Plan.

The withdrawn BCP Local Plan policies hold no weight, and the proposal must be assessed under Chapter 11 of the NPPF.

NPPF encourages mixed-use schemes to provide multiple benefits, including housing, especially on under-utilised brownfield land.

BCP faces significant housing needs, with a housing land supply of only 2.1 years and a Housing Delivery Test result below 75%. Conversely, there is an oversupply of retail and food/beverage floorspace in the area up to 2033.

The applicant has stated that incorporating residential use into the scheme is not viable, but no detailed evidence has been provided to support this claim.

Examples of Lidl incorporating residential use in other areas, such as London, demonstrate the feasibility of mixed-use schemes.

### Conclusion:

The proposed store aligns with retail policy, with minimal impact on nearby centres.

However, given the significant housing need and oversupply of retail space in the area, the efficient use of land should prioritise opportunities to meet housing needs.

The applicant's claim regarding the non-viability of residential incorporation requires further evidence and consideration by the case officer in the planning balance.

This summary provides an overview of the policy considerations for the proposed development, highlighting the need to balance retail and housing priorities in line with the NPPF.

14 **Council Arboricultural Officer** – the officer comments on the tree loss and landscaping proposals as follows;

*The proposed development will result in the loss of 39 trees, one hedge, and part of another hedge.*

*The landscape scheme includes 38 replacement trees, but concerns were raised about the species proposed. Many are short-lived, small at maturity, and lack interlinked canopy covers. Fastigate tree forms are also included, and some perimeter areas will remain without trees.*

*Biodiversity Net Gain (BNG) issues need to be addressed, and the landscape scheme must provide high visual amenity and comply with BNG requirements.*

A 30-year maintenance scheme is required for the site.

15 **Council Urban Design Officer** – Key Points:

Use: The proposal remains retail-only, failing to incorporate mixed-use development (commercial and residential), contrary to national and local planning policies (NPPF Paragraph 11, Chapter 11).

Layout and Movement: Improvements include a dedicated strip of highway land for walking and cycling and a relocated pedestrian ramp, providing a more open route to the store entrance.

However, the building remains tight to the boundary, particularly at the eastern corner.

Massing and Appearance:

The store design is modern but boxy, with a shallow mono-pitch roof, similar to the previously refused scheme.

The Castle Lane West frontage is inactive and dominated by advertising, with less articulation than the previous scheme.

Recommendations for improvement include reducing advertising, increasing public art, using clear glazing, and better articulation of massing with timber effect cladding or render.

Planting: Perimeter planting is welcomed for screening, but there is insufficient planting within the site to break up the car parking.

Boundary Treatments: Clarification is needed for boundary treatments.

Recommendations include specifying brick retaining walls with railings above and marking brick walls and railings along the ramp sides.

Conclusion: The proposal requires amendments to address issues related to mixed-use development, design quality, planting, and boundary treatments.

16 **Ecology Comments** – The ecology officer has highlighted that there are bats present and that an up to date survey is required. Separate consent has already been granted to demolish the building under the permitted development process but this will not override the requirement to ensure that comments are summarised as follows

Holding Objection: Pending results of bat surveys as outlined in the "Technical Note – Ecology Lidl Castle Lane West, Bournemouth" by RPS. Surveys must include dusk emergence visits between May and September, compensation for loss of roosts, and enhancement details for bats and other species.

Conditions if Permission Granted:

Bat Boxes: Details of bat boxes integrated into the building must be agreed, implemented, and maintained for at least 30 years to comply with the National Planning Policy Framework (2024) and policy CS30.

Landscape Management Plan: The plan by RPS must be fully implemented to ensure biodiversity net gains.

Lighting Compliance: Lighting must adhere to ILP's "Guidance Note 08/18 Bats and Artificial Lighting in the UK" and the RPS Technical Note.

Additional Requirements:

EPS Mitigation Licence: A bat European Protected Species (EPS) mitigation licence from Natural England must be obtained before any works commence.

Biodiversity Net Gain Plan: A Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan must be agreed upon prior to the start of work due to significant proposed biodiversity net gains on-site.

Reasoning: All conditions and requirements align with the National Planning Policy Framework (2024) and policy CS30 to minimize environmental impacts and enhance biodiversity.

17 **Biodiversity Net Gain (BNG)** – an assessment has been carried out and with the mitigation proposed would meet the statutory requirements.

18 **Environmental Health** – The Environmental Health Officer considers that the recommendations for noise mitigation as set out in the submitted noise report are acceptable. Noise mitigation conditions are recommended.

Written confirmation from a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority prior to first use, confirming that the installed mitigation achieves the required attenuation levels and complies with the assessment criteria.

The approved mitigation measures, including the acoustic barrier, shall be retained and maintained in full working order for the lifetime of the development

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

19 **Highway Officer** – The full comments and issues are discussed in the planning assessment below. However, the comments here set out the key issues.

Previous application (7-2023-1927-BT) for a larger food store (1926sqm GFA) was refused due to failure to dedicate land for a pedestrian and cycle route.

Current proposal reduces store size to 1843sqm GFA and car parking spaces by 3, allowing land dedication for public highway along Castle Lane West.

#### Cycle Parking:

29 cycle spaces proposed (24 visitor, 5 staff, including 2 accessible spaces), meeting BCP Parking Standards SPD (2021). Design details for staff parking to be secured by condition.

#### Car Parking:

75 car parking spaces proposed, including 5 disabled bays, meeting SPD requirements. Electric vehicle charging points covered by Building Regulations.

#### Access Arrangements:

Vehicular access via priority crossover junction from Wimborne Road, with widened internal access for deliveries.

Adequate visibility levels and improved landscaping for safety.

Pedestrian access includes footways, crossing points, and a new ramped access from Castle Lane West, compliant with mobility guidance.

#### Highway Impact Assessment:

Vehicular trip generation expected to result in minimal impact on the highway network, with less than a 3% increase in daily traffic flow.

Junction modelling indicates site access and nearby signal-controlled junctions will operate within capacity post-development, with negligible queuing or delays.

Non-Vehicular Trip Generation & Mitigation:

Significant increase in non-car trips expected (125% on weekdays, 320% on Saturdays).

Financial contributions required for sustainable travel measures:

£50,000 for a pedestrian crossing on Wimborne Road.

£20,000 for Real-Time Information (RTI) system at the bus stop.

£4,950 for 5-year Travel Plan monitoring.

Dedication of land along Castle Lane West for future walking and cycling network improvements.

The Local Highway Authority concludes that the proposed development will have a negligible impact on the highway network and supports the application with the recommended conditions and legal agreements. No highway objection subject to:

Section 106 Agreement: Financial contributions totalling £74,950 for sustainable travel measures and land dedication for public highway.

Conditions: Construction of vehicular access, parking, turning areas, cycle parking facilities, and adherence to a revised Travel Plan and Construction Management Plan.

Informative Notes: No storage of materials on footways/highways and early engagement with the Streetworks Team for permits and traffic management during construction.

20. **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.]

21. **Fire Safety Inspector** on behalf of the Dorset & Wiltshire Fire and Rescue Authority– flagged up issues that will be addressed under the building regulations assessment.

22. **BCP’s Inland Flood Risk Management (iFRM) team** - Drainage Strategy

The drainage team have asked that an optimum Suds scheme is explored for the site. However, until the buildings have been demolished and the potential infiltration can be measured this cannot be established. However, they have confirmed that there is no drainage objection in principle and have recommended conditions.

## **Representations**

23 Site notices were posted in the vicinity of the application site with an expiry date for consultation of 8/8/25. A press notice was published with an expiry date of 21/8/25.

24 Unlike the previous application currently only 3 letters of objection have been received setting out the following concerns:

1. Traffic Congestion and Road Safety
2. Inadequate Traffic and Pedestrian Mitigation Measures
3. Unresolved Cycle Infrastructure Commitment [note that the Highway Officer is satisfied with the dedication of land for the cycle way]
4. Local Parking Pressure
5. Lack of Demonstrable Local Retail Need
6. Employment Impact
7. Construction Disruption
8. Environmental Impact
9. This site is more appropriate for housing than another retail outlet.
10. Loss of local pet store

25 Tesco have also submitted an objection similar to their previous concerns which can be summarised as follows.

26 1. Failure to Comply with Local and National Policy

Previous application for a food store was refused (Jan 2023) because it did not deliver a mixed-use scheme (commercial + residential). This was contrary to NPPF: Paragraph 11 and Chapter 11 (effective use of land), BCP Local Plan: Policy P19 and Site M1.

Lack of mitigation measures undermined sustainability.

27 2. Policy Context

Policy P19: Westover Retail Park earmarked for mixed-use redevelopment (commercial ground floor, residential above). Although the BCP Local Plan was withdrawn, Policy P19 remains a material consideration as its evidence base is still valid.

28 3. Inefficient Use of Land

NPPF (Paragraphs 125–129) promotes mixed-use and efficient land use. Council has:

Housing shortfall: Only 2.1 years supply (Economic Housing Land Availability Assessment, 2024).

No retail need: Retail and Leisure Needs Assessment (2021) shows no need for extra retail floorspace until 2033.

Solely retail redevelopment misses opportunity to meet housing need.

Lidl has successfully integrated residential units above stores elsewhere, proving feasibility.

29     4. Transport and Sustainability Concerns

Lack of mixed-use prevents sustainable travel patterns.

Likely to increase single-purpose car trips, adding congestion and emissions.

Conflicts with:

NPPF Paragraph 105 (minimise need to travel, provide transport choice).

Bournemouth Core Strategy: Policies CS18 (sustainable travel) and CS19 (reduce car reliance).

Undermines Council's climate objectives.

30     5. Failure to Assess Cumulative Retail Impacts

Lidl has another live application for an out-of-centre food store at Ringwood Road, Poole (ref: APP/24/00318/F).

Both proposals:

Located outside defined centres.

Overlapping catchments.

Likely to draw trade from Poole, Bournemouth, and Kinson.

Best practice requires cumulative 'worst-case' retail impact assessment (NPPF Paragraphs 90–91).

Absence of this assessment is a major deficiency; Council cannot be satisfied proposals would not harm vitality and viability of existing centres.

## **Key Issues**

31     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.

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

### **Planning Policy Context**

#### 32 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

#### 33 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

#### 34 The former Emerging BCP Local Plan

The draft BCP Local Plan was submitted to the Secretary of State on 27 June 2024 for examination. However, it has now been withdrawn and has no status. It would have replaced 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 would have attracted only very limited weight at that time. However, reference in this report is only provided for background purposes only and they have no status.

#### “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.”

#### 35 “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.”

## 36 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)."

### 37 The National Planning Policy Framework (as 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 2,500m<sup>2</sup> 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.

## **Planning Assessment**

### **Key Issues**

#### **Principle of development and retail impact**

38 The main issue is whether the principle of a food supermarket is acceptable on this site. The issues were considered when the previous application was determined. The LPA were satisfied with the retail impact although there were concerns with the

principle of a single use retail development not being efficient insofar as not providing a mixed use development with a residential element.

39 Whilst considered acceptable previously the issue needs to be revisited for the purposes of this application. With regard to retail impact there is already a retail presence on the site which has a similar and in fact larger floor space. Since the earlier decision, national and local planning policy has continued to support a town centre-first approach, as set out in the National Planning Policy Framework (NPPF) and the Local Plan. The main questions therefore remain:

- **Sequential Approach** – whether there are any sequentially preferable sites within existing retail centres that could accommodate the proposed Lidl store; and
- **Retail Impact** – whether the proposal would result in significant adverse impacts on the vitality and viability of nearby centres by diverting trade, given that policy generally seeks to focus retail uses within established centres.

39a 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 reasonably available for the proposed development, and both developers and local planning authorities should demonstrate flexibility on issues such as format and scale.

40 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

41 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 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

42 Given that there is already a significant retail presence on this site it is still considered 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.

43 The former Draft BCP Local Plan had recommended setting the threshold for retail impact assessment at 400sq m which would at the time have captured 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*

44 However, to reiterate that plan and policy has now been withdrawn and therefore, it currently carries no weight other than previously it been on the table.

45 Therefore a detailed retail impact study has not been carried out, however, the applicant at the time had provided the following comment and still provides the same view: -

*“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”*

46 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 at the time was suggesting a lower threshold for retail impact assessments the Council had sought specialist advice from Litchfields Planning Consultancy on this matter. Litchfields had also given advice previously to the Council about retail matters including input into the Emerging Local Plan. They had looked at the BCP Retail & Leisure Study 2021 to estimate levels of trade diversion and impact on designated centres and the main food stores.

47 The Council had 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 further west on Wallisdown Road. That application has now been refused consent.

Litchfields in their report had 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 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.”*

48 Although this advice relates to the previous application it is still considered relevant and has not been superseded by any more recent advice or circumstances. Also this advice can be updated as the proposed store at Wallisdown has now been refused consent so is no longer in the pipeline for assessment.

49 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.”*

50 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. ....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 aspiration in the former emerging local plan had 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 Whilst a full viability assessment has not been sought on this matter it is considered that there are site constraints which are relevant. Given the low rise nature of the area and the corner location this may mitigate against the suitability of this site for a high density mixed residential/commercial scheme. Also, a mixed scheme would lean towards flats and the key shortfall in the area is for houses. The applicant has submitted a legal opinion which suggests that as the proposal is otherwise in accord with the development plan the mixed use requirement should not prevail. Again, whilst this is a matter of judgment it is considered that the lack of clear firm policies requiring a residential use on this site and the points set out above suggest a refusal on this ground would not be justified.

### Conclusion on Principle

54 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. The provision of housing on the site would be beneficial but given the policy position this is not considered to be an overriding

requirement. 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.

55 Furthermore, the current proposal represents a significant economic investment, retains and creates jobs, and replaces existing uses that do not make the most efficient use of the site.

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

56 The site occupies a highly prominent position at the junction of two major roads. Currently, it is dominated by the Pizza Hut building on the corner and two large warehouse-style units. The proposal introduces a single store set back within the site, with parking to the front. From Wimborne Road and the west, views of the car park will remain a weak point in urban design terms, and from the east the side/rear elevation of the store will be visible.

57 As this is a corner site, good urban design principles would normally seek a strong focal point and active frontages to both main roads. The Urban Design Officer has noted that a mixed-use scheme incorporating residential could achieve this aim but it is considered that the Council cannot refuse the current proposal simply because a different scheme might be preferable. The application must be assessed on its own merits.

### **Landscaping and NPPF Guidance**

58 Paragraph 153 of the NPPF requires that new development should be visually attractive through good architecture, layout, and appropriate landscaping. While the proposed building does not create a landmark presence, its impact will not be significantly worse than the existing arrangement of warehouse buildings and surface parking. In fact, from Muscliff Lane/Castle Lane, the design—with glazing and modern panels—will present a clearer retail identity than the current Cotswold building.

59 The scheme includes a new pedestrian access near the Castle Lane crossing, enhanced with a feature and public artwork, secured by condition. Additional public art is proposed along the Castle Lane frontage. These measures will help create visual interest and activity.

60 One concern has been the need for a level car park, which results in higher site levels and a retaining wall along Castle Lane West. Following negotiations, the wall height has been reduced and stepped to allow for some landscaping. However, the scope for planting has been constrained by land now dedicated to a cycle lane, reducing the overall landscaped buffer compared to the previous scheme. Despite this, the revised design incorporates new planting where possible to soften views and improve the site's appearance.

## Tree Loss and Replacement

61 The current view from Wimborne Road will improve as the unattractive Pizza Hut service zone will be removed. While the corner will remain open to the car park, a landscaped area is proposed to soften this view. Nevertheless, the Arboricultural Officer has expressed concern about tree loss: 39 established trees within the red line will be removed, although 6 will be retained and 38 new trees planted, alongside hedge planting. Additional trees around the electricity substation (outside the application site but within Lidl's ownership) will remain. While replacement planting will take time to mature, the applicant's commitment to replanting will help restore a treescape over time. There is still a potential conflict as the tree officer would prefer trees with a wider cover whereas the applicant would prefer fastigate (slender) trees so that the views of the store from outside of the site are maintained. This matter can be negotiated further at the detailed landscape stage to achieve an optimum arrangement of better cover whilst maintaining a street presence for the development.

## Detailed Design Considerations

62 Paragraph 135b 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;" Progress has been made on detailed design matters raised by the Urban Design Officer. The building will appear bulky from some viewpoints, particularly the rear elevation near Lawford Road, which includes a blank flank wall and plant enclosure. While this is not ideal, the layout reflects operational requirements and the existing site pattern. Public art and landscaping are proposed to mitigate these impacts and screen the plant area.

See the image below.



63 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 38 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.

64 Progress had previously 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 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.



#### Overall Visual Assessment

65 Overall, the development is considered acceptable in design terms. The main elevations are articulated with glazing and inset panels, and provision for public art adds interest. Subject to conditions securing landscaping and artwork, the proposal accords with Policy CS41 of the Core Strategy regarding design and visual amenity.

### **Impact on residential amenity including noise**

66 The design and position of the building follows the previous scheme which at the time was considered acceptable by the Council. The design has changed slightly at the rear. 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

67 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 10.4m at the closest point however where the bungalow is stepped and the part of the building that is the higher section the distance is greater. The gap is now greater than the previous application. However, they will be presented with a blank wall which will no longer be stepped down. Originally the building was about 6.3m high. And it is now 6.6m. Also the lower section has increased in height from about 4.3 m to 4.6m. it is also slightly closer to the boundary by about 15cm. The impact of a building for loss of light is commonly assessed in amenity terms 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.

68 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 to a more enclosed

setting it is considered that in terms of impact the proposal is on balance 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.

69 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.

70 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 and from 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).

#### Conclusion on amenity

71 The main considerations remain:

- Impact on properties in Lawford Road
- Opening up of the site for properties in Wimborne Road
- Noise from new plant and deliveries
- Lawford Road:

71a The new building occupies a wider part of the site and sits at a higher level than existing structures, altering outlook for neighbouring properties. The most affected is No. 7 Lawford Road, which has a small rear garden. The closest part of the building will be about 9m away, stepping up to 13m for the higher section. Design revisions have

reduced the height near the boundary to approx. 4.4m, mitigating the impact. Light and outlook have been assessed against the 45-degree rule and common separation standards (12.5m for a blank two-storey flank), and the proposal meets these guidelines. Shadowing will mainly fall to the north, reducing impact on sunlight.

- Wimborne Road:

71b Properties fronting Wimborne Road currently face a long building and service yard. The new layout removes this overbearing feature but opens views to the car park, which will be lit in the evenings. Light spill is expected to be minimal, and a boundary fence can mitigate any nuisance.

- Noise and Hours:

71c Environmental Health has reviewed the scheme. Plant will be acoustically screened to ensure noise remains within agreed limits. Conditions will secure this mitigation. Opening hours will be restricted to 07:00–22:00 (17:00 on Sundays), and deliveries prohibited between 22:00–07:00 (or 18:00 on Sundays/Bank Holidays).

71d Subject to conditions on landscaping, hours, fencing, and plant noise, the proposal is considered acceptable in terms of residential amenity and complies with Policies CS38 and CS41 of the Core Strategy.

### **Impact on the drainage**

72 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. The drainage officer has also asked for more site investigation to be carried out to establish the optimum arrangements and a condition has been added to allow for this process. 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**

#### **Biodiversity net gain required**

73 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) established a legal requirement for Biodiversity Net Gain (BNG) in England, mandating that all new developments, except for a few exemptions, must deliver at least a 10% net gain in biodiversity. This requirement applies to all major planning applications received from 12 February 2024 and all small sites from 2 April 2024. The NPPF at chapter 15 ‘conserving and enhancing the natural environment’ also sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy CS35 – biodiversity and

geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.

74 Although most of the site is covered with buildings and car parking the proposal is on land that has some biodiversity value including existing landscaped areas of ornamental shrubs, lines of trees and hedgerows that need to be considered. The applicant is proposing biodiversity enhancements include increasing the amount and diversity of flowering plants on site and providing additional habitat for invertebrates, hedgehogs and nesting birds.

75 Under the new legislation the applicant is required to produce a technical assessment. The metric submitted demonstrates a net gain of +16.27% onsite habitat, with a +222.38% of hedgerow units. However, this relies heavily on the provision of semi-mature trees. Therefore, appropriate installation and future maintenance is key.

76 A Habitats Management and Monitoring Plan (HMMP) will be required to show that the operator can develop a satisfactory plan for implementation and the future retention of the biodiversity on the site. This will need to be developed post consent and prior to implementation by planning condition. It is important that the operator can satisfactorily implement, manage and maintain the habitats within their site. If a satisfactory scheme cannot be agreed the applicant may need to provide biodiversity off site to comply with the discharge of their BNG requirements under the legislation. A monitoring fee will be collected in the legal obligation, and this will cover the period of monitoring for 30 years.

77 The proposal is therefore compliant with Schedule 7a of the Town and Country Planning Act and the Environment Act 2021 and also the proposal is in accordance with paragraph 193 of the NPPF and Local Plan Policy CS35.

### **Transport issues.**

78 The Transport Officer has assessed the proposal in detail, and his comments are set out below.

79 *Planning application 7-2023-1927-BT for the construction of a food store with 1926sqm GFA with associated access, parking and landscaping works, was refused in January of this year. The decision notice included the applicant's failure to dedicate land as public highway to facilitate the delivery of a new pedestrian and cycle route along Castle Lane West. All other highway related matters were considered acceptable to the LHA subject to conditions and agreed mitigation measures in the form of various financial contributions.*

### **Proposed Development**

80 *The proposal again seeks the redevelopment of the existing 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.*

81 *This application would appear to be a resubmission of the previous proposal apart from a reduction in the size of the food store (to 1843sqm GFA) and associated*

*car parking (3 spaces) which has, in turn, allowed the eastern site boundary to be set back from Castle Lane West to provide the a strip of land to be dedicated as public highway. This would, in principle, address the LHA's reason for refusal pertaining to the previous application however, a full assessment is detailed below.*

#### Cycle Parking

82 *The BCP Parking Standards SPD (2021) indicates that the proposed store generates a parking requirement of 28 cycle spaces (1.5 spaces/100m<sup>2</sup>) for visitors and staff. Consequently, the provision of 29 spaces comprising of 24 visitor and 5 staff, including 2 accessible spaces, is acceptable.*

83 *The layout and arrangement of the spaces is acceptable in principle although details pertaining to the design of the internal staff parking facility will need to be secured by condition.*

#### Car Parking

84 *Located in parking zone D, the proposed store generates a car parking requirement of 74 spaces (4 spaces/100m<sup>2</sup>) for visitors and staff. Consequently, the provision of 75 spaces is acceptable in principle.*

85 *The site layout provides a useable turning and parking arrangement whilst the provision of 5 disabled bays is SPD compliant. Charging points for electric vehicles are now covered by Building Regulations and therefore a planning condition in respect of charge points is not sought by the LHA.*

#### Access Arrangements

86 *Vehicular access to the site is achieved via a simple priority crossover junction arrangement from Wimborne Road to the west, providing priority to pedestrians/cyclists as standard. The existing vehicular crossover arrangement would be retained albeit the internal access carriageway will be widened slightly in line with operational requirements i.e., for servicing and deliveries. Swept-path analysis confirms this design provides feasible access and egress for articulated lorries.*

87 *Associated vehicular visibility and driver/pedestrian inter-visibility levels are adequate whilst the proposed landscaping (low-level planting) and boundary treatments provide improved inter-visibility further into the site, along the internal access carriageway.*

88 *Pedestrian access to the site will continue to be provided in the form of footways either side of the vehicular access with two crossing points providing access beyond to the store itself. This arrangement remains consistent with the previously submitted design which was considered acceptable by the LHA.*

89 *Additionally, a new ramped access will be provided from Castle Lane West, representing an improvement upon existing site conditions. The ramp comprises of 1:20 gradient slopes with levels platforms at 6m intervals (in the main), demonstrating*

*compliance with relevant mobility guidance. The width of the ramp at 1.8m enables a pedestrian to pass a wheelchair and provides feasible access with a cycle. An LED luminaire mounted atop a 4m column post at the top and bottom of the ramp is expected to provide sufficient illuminance.*

### Highway Impact Assessment

#### Vehicular Trip Generation

90 *The applicant has submitted a Transport Assessment (TA) including an analysis of the impact of the proposal on the wider transport network. The LHA agrees that, after a review of vehicular routes accounting for local census areas, store customer catchment areas, and existing nearby food store destinations, from which diverted trade is expected, approximately 30% of primary trips to the new food store would be transferred trips. These would comprise of pass by trips and diverted trips that would already be on the highway network. 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.*

91 *Trip generation data submitted as part of the previous application forms the baseline data set. Traffic surveys undertaken by an independent traffic survey company (Streetwise) on Thursday 12th May and Saturday 14th May 2022 at the Westover Retail Park site access, recorded vehicles, cyclists and pedestrians accessing the site between 07:00 and 20:00. Since undertaking these surveys there have been no salient changes in terms of unit occupiers, and DfT traffic flow statistics for surrounding roads remains similar across the ensuing 3 years. Consequently, the associated results are considered to remain appropriate for use as part of the revised application.*

92 *As part of the previous planning application, trips rates to inform trip generation associated with the proposed food store were derived from the TRICS database (Version 7.9.1). For robustness updated trips rates have been extracted from the current TRICS database (Version 7.11.4) with associated discount food store sites filtered in the same manner as the previous application assessment.*

93 *It is noted that the preceding trip generation assignment and proportions presented are consistent with what was previously submitted to, reviewed by and agreed with the LHA as part of the previous application. By utilising updated trip rates, the revised proposed development is expected to result in a slight increase in vehicular trips during the weekday peaks, and a slight reduction in vehicular trips during the Saturday peaks compared to the previous development proposals.*

94 *Accounting for the expected net increase of all non-transferred trips arising from the proposed development, the new store is expected to result in an additional 33-52 new vehicular movements across weekday and weekend peak hours thus resulting in an average increase of one vehicular movement entering the highway network (from the site) every 1-2 minutes during these time periods.*

95 For context, the latest recorded manual count traffic survey figures for the Castle Lane West Transport Corridor, in proximity to the site, indicate a mean annual average daily flow (AADF) of 22,792 vehicular movements. DfT count points on Whitelegg Way and Castle Lane West were used to calculate the mean value referred to above. Accounting for transferred trips from vehicles already on the local road network, the resultant increase on the existing daily network flow, represents an expected maximum increase of 3.1% (707 vehicles). It should be noted that not all vehicular traffic will be travelling via the Castle Lane West Transport Corridor. Vehicular trips generated by the site will also be dispersed to the south along Wimborne Road. Consequently, the actual net increase in vehicular trips is expected to be less than 3% thus having a negligible impact on the wider highway network.

### Junction Modelling

96 The traffic assessment presented a junction assessment for the Site Access/Wimborne Road priority junction and the Castle Lane West/Wimborne Road/Muscliffe Lane signal-controlled junction. This included scenarios of 2022 observed, 2030 baseline and 2030 baseline with development scenarios. The report states that TEMPRO has been used to growth baseline traffic flows up to 2030 and it outlines the geographical area selected. The LHA is satisfied with the scope of assessment for the development.

97 The Junctions 9 PICADY module has been utilised to model the existing and proposed site access junction. Table 6.1 demonstrates that based upon existing use of the site, during the weekday baseline scenarios the access junction operates at around 9-12% capacity during the weekday peak periods and 14-18% capacity during Saturday peaks. This is consistent with observed queue lengths at this location, which showed no evidence of significant or extended queuing on either the site access or on Wimborne Road, associated with traffic turning right into the site.

98 Following associated changes to the site access as part of the development proposals, and consideration of the additional traffic associated with the food store, the junction is expected to operate at around 12-19% capacity during the weekday peak periods and 25-26% capacity during Saturday peaks. The modelling indicates there will be no material queueing within the site or for vehicles turning right into the site. Post development, it is considered that the Wimborne Road site access junction is expected to operate well within capacity, with minimal queuing and delay, and hence proposals are not envisaged to have an adverse impact upon the operation of the local highway network in this location.

99 LinSig (Version 3) has been utilised to model the Castle Lane West signal-controlled junction, formed between Wimborne Road, Castle Lane West and Muscliffe Lane. Based on datasheets confirming the correct phasing settings provided by BCP signals, increased trip generation from the proposed development is expected to result in a maximum increase of one passenger car unit (PCU) or less, across peak hours, on all junction arms except for two. The busiest junction arms, namely the A3060

Wimborne Road (NW) and Castle Lane West (WB internal), are expected to result in an average queue increase of 1-2 and 2-3 PCUs respectively, across peak hours. Extended queues of this length are not considered to be significant nor to have a direct material impact on the operational safety of the traffic junction.

100 The National Planning Policy Framework (NPPF) clearly states that mitigation of the traffic impacts of development 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.

101 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 116 of the NPPF, a reason for refusal on this basis could not be substantiated.

#### Non-Vehicular Trip Generation & Associated Mitigation

102 The Council's long-term aim to reduce traffic flows is to encourage modal shift to more sustainable modes of travel such as walking, cycling and the use of public transport, particularly during peak commuter periods.

103 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 125% during weekdays and 320% on Saturday's. Pedestrians are expected to account for 81% – 91% of non-car trips to the proposed store, with 7% – 14% of trips being undertaken via cycle and 2% – 6% via public transport.

104 In light of this, the LHA expects the applicant to mitigate the impact of the proposed development upon existing sustainable travel infrastructure. A financial contribution towards the provision of a pedestrian crossing facility on Wimborne Road, to the south of the site entrance, is expected. The installation of infrastructure to facilitate pedestrians crossing Wimborne Road in this location would serve a key walking route to the site from the large residential area to the west and south of the proposed development whilst also providing safer passage to the bus stop opposite the site adjacent to the northbound lane of Wimborne Road. Additionally, the new crossing facility 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.

105 The aforementioned mitigation measures, agreed with the applicant as part of the previous scheme, included a financial contribution of £50,000 towards the crossing facility and £10,000 for the installation of the RTI system at said bus stop. Whilst former contribution remains acceptable, the latter is deemed insufficient for the provision of RTI

equipment at this time. The council's accessibility team have confirmed that installation and system costs have increased significantly since the previous costing and as such, a financial contribution of £20,000 is required to upgrade the bus stop.

106 In addition to the above, the applicant has now agreed to dedicate a strip of land as public highway along the entirety of the northern site boundary. This will facilitate future improvement works, supporting the delivery of a high-quality walking and cycling network to encourage uptake of active travel and reduce vehicular traffic congestion along the Castle Lane West Transport Corridor.

107 The extent of land to be dedicated has been informed by the extent requested by the LHA as part of the previous application and is 'loosely' identified on the proposed site plan. A land dedication of varying widths provides circa 5m of depth between the site and the existing kerb line, see below.

108 A specific plan clearly annotating a hatched area of land to be dedicated as public highway will be required for the S106 legal agreement.

109 A Travel Plan has been submitted and subject to further refinement compliance with the modal share targets for staff and visitors, can be conditioned. Thereafter, the travel plan and obligations within shall be complied with to promote sustainable modes of transport, in the interests of promoting active travel, reducing traffic congestion and improving highway safety. It should be noted that the monitoring fee for the travel plan has been reduced to £4,950.

110 No highway objection subject to the applicant entering into an appropriate legal agreement, as set out below, and the imposition of conditions.

Section 106:

#### *Highways Contribution*

A financial contribution of £74,950.00 is required for sustainable travel measures to mitigate the impact of the proposed development on the surrounding highway network. This comprises of:

- (a) Contribution to the 5-year monitoring of the Travel Plan equating to £4,950.00.
- (b) Contribution of £50,000.00 to enable the delivery of a controlled pedestrian crossing on Wimborne Road is acceptable.
- (c) Contribution of £20,000.00 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.

## *Highway Works*

*Prior to occupation of the Development, the owner shall enter into a highway works agreement with the Council as Highway Authority using the provisions of Section 278 of the Highways Act 1980 to include:*

- Dedication by the Owner of the private land as annotated in Drawing no. B/LIDLWESTOVERRP.1/05-02 required for the footway as publicly maintained highway.*
- Construction of an agreed temporary surface treatment for the dedicated land, including a section of hard standing at the foot of the ramped access to the site, as shown in Drawing no. B/LIDLWESTOVERRP.1/05-02.*

*The Highway Works shall be properly designed and constructed to a specification to be agreed by the Highway Authority at no cost to the Council. The Highway works shall be completed to the satisfaction of the Highway Authority prior to first occupation.*

111 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, the previous scheme 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 and new occupiers in the existing buildings could generate more activity on site. Many of the local residents had 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.

112 Overall 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.

## **Sustainability**

113 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.

114 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**

115 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 Litchfields, and they had previously concluded that the impact would not be significant on nearby centres even taking into account another proposed store at Wallisdown (now refused) which was in the pipeline as the cumulative impact is relevant. The Councils policy officers similarly raise no objection.
- The notional turnover of the proposed store is now £3.5m less than it was before, which means that the impact will also be less than what Lichfields previously judged to be acceptable.
- The policy requires that a sequential test is carried out to establish whether there would be any suitable sites that are reasonably available for the proposed development 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.

116 The main design issues are that the proposal results in the existing trees and landscaping on the site being removed. This includes the higher retaining structure on Castle Lane West and reduced landscaping. If there was more space on the boundaries the existing trees could be retained and many more additional ones planted.

117 Landscaping and Active Travel Trade-Off - While the revised scheme includes new planting and public art, the overall scope for landscaping has been reduced compared to the previous application. This is primarily due to land now dedicated to a cycle lane, which reflects the Council's commitment to sustainable transport and active travel. Although this limits the depth of green buffers, the cycle lane delivers wider public benefits in terms of connectivity and modal shift, which must be weighed positively in the planning balance.

118 Previous and current 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.

119 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 car 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 the site could be much busier if alternative uses come forward.

120 Whilst it may 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.

121 Local residents will have some impact on their amenity from the proposal with a larger more overbearing 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.

122 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.

123 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 to Grant**

### **Conditional Permission**

**RECOMMENDATION I** - That delegated authority be granted to the Head of Planning Operations to Grant Conditional Permission subject to the satisfactory completion of a Legal Agreement necessary to secure the mitigation of the impact of the proposed development on highways and to achieve biodiversity net gain by securing the payment of financial contributions and conditions (below)

**RECOMMENDATION II** - That delegated authority be granted to the Head of Planning Operations to add/amend conditions where necessary.

**RECOMMENDATION III** - That delegated authority be granted to the Head of Planning Operations to refuse planning permission if a Legal Agreement has not been satisfactorily completed within three months of the date of this resolution.

**Section 106 terms**

Biodiversity net gain and the following highway matters: -

1. 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:
2. Contribution to the 7-year monitoring of the Travel Plan equating to £6,800.00.
3. Contribution of £50,000.00 to enable the delivery of a controlled pedestrian crossing on Wimborne Road.
4. 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:

Pedestrian ramp - 09028-XX-ZZ-D-A-91004- rev P04

Proposed site plan - 09028-XX-ZZ-D-A-91001- rev P06

Landscaping Plan JSL4531-RPS-XX-EX-DR-L-9001 revP20

Drainage Plan - SF/LIDLCASTLELANEWEST.23/20 rev P6

Proposed boundary treatments ref. 09028-XX-ZZ-D-A-91002- rev P05.

Section Drawing. 09028-XX-XX-D-A-03001- rev P04

Proposed elevations ref. 09028-XX-XX-D-A-02001- rev P05

Proposed surfaces plan 09028-XX-ZZ-D-A-91003- rev P04

General Arrangements Floor Plan level 00- 09028-XX-00-D-A-01001- rev P05

Proposed street elevations ref. 09028-XX-XX-D-A-02002- rev P05

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. 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).

#### **5. 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).

#### **6. 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).

#### **7. 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).

## **8. Soft Landscaping**

Notwithstanding the landscaping details already submitted 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 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).

## **9. Landscape Maintenance Plan**

A landscape management plan and Habitats Management and Monitoring Plan (HMMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscape/habitat 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 plan shall be carried out as approved.

Reason: In the interests of the establishment and management of the landscaped and habitat areas and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and in compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **10. 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).

## **11. 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).

## **12. 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)

### **13. 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 proposed front elevation and the Castle Lane frontage, in the two locations detailed on the proposed elevations drawing 09028-XX-ZZ-D-A-02001- rev P05;
- 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 opening of the store 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) .

### **14. Surface Water Management Scheme**

Prior to any demolition on site the Council shall be provided with a plan showing how the site will be drained during the works. Thereafter no development above damp-proof course level shall take place until a geo-environmental assessment is made which specifically considers infiltration in the context of contamination and soil permeability. Thereafter, detailed proposals for the management of surface water, including the provision of final and substantiated drainage designs (which should be based on the submitted drainage drawing SF/LIDLCASTLELANEWEST.23/20 rev P06, unless the geo-environmental assessment determines that infiltration is not viable), shall be submitted to and approved in writing by the local planning authority. The surface water scheme must be completed in accordance with the approved details and fully functional, prior to occupation of the development.

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

### **15. Future management of surface water scheme**

Prior to occupation, maintenance and management of the Surface Water scheme required via condition (1) must be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be 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.

## **16 Noise Mitigation Measures**

Prior to the first use all plant equipment identified in the Noise Impact Assessment (Report Ref: 9642/LN, dated 28 March 2025) shall be installed with acoustic mitigation measures sufficient to achieve the attenuation levels specified in Table 6 of the report. These measures shall include, but not be limited to, the installation of specialist acoustic enclosures or equivalent attenuation solutions providing the following minimum reductions in sound pressure level (dB(A)):

- Dry Cooler: 14 dB(A)
- VRV CU-4 AHU DX Coil Circuit 1-2 (Sales): 16 dB(A)
- VRV CU-5 AHU DX Coil Circuit 3-4 (Sales): 16 dB(A)

In addition, the 2.0 metre high acoustic barrier shall be installed around the boundary of the site, as indicated in the Lidl boundary treatment plans.

The combined mitigation measures shall ensure that the cumulative noise impact from all plant does not exceed the background noise level at the nearest noise-sensitive receptor, in accordance with BS 4142:2014+A1:2019.

Written confirmation from a suitably qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority prior to first use, confirming that the installed mitigation achieves the required attenuation levels and complies with the assessment criteria.

The approved mitigation measures, including the acoustic barrier, shall be retained and maintained in full working order for the lifetime of the development

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

## **17 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).

### **18 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.

### **19 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.

### **20 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).

## **21 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).

## **22 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.

## **23 Store Opening Hours**

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).

## **24 Goods restriction**

There shall be no more than 1,210 square metres net retail floor area provided within the foodstore, of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods, and at no time shall more than 4,000 individual lines of goods be sold from the retail unit hereby permitted.

Reason: To protect the vitality and viability of defined centres and in accordance with the application submission.

## **25 Lighting Scheme for bats.**

Lighting must be compliant with 'Guidance Note 08/18 Bats and Artificial Lighting in the UK' by ILP and as detailed on page 7 of 'Technical Note – Ecology Lidl Castle Lane West, Bournemouth' by RPS.

Reason: compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **26 Bat Boxes**

The proposal shall incorporate bat boxes in accordance with a scheme to be agreed in writing with the Council prior to any superstructure works being carried out on site. Details of bat boxes built into new building to be supplied and once agreed must be implemented in full and maintained for at least 30 years.

Reason: compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

## **27 Habitat Management and Monitoring Plan**

- a) No part of the built development hereby permitted shall be commenced unless a Habitat Management and Monitoring Plan ("HMMP") has first been submitted to and approved in writing by the local planning authority.
- b) The HMMP shall accord with the Biodiversity Gain Plan approved for the purposes of the development hereby permitted and all landscaping and biodiversity related plans and documents required to be approved in the other conditions forming part of this permission.
- c) The HMMP shall in particular include:
  - a) a background section; including:
    - i. a high level summary of all relevant matters identified in the HMMP;
    - ii. details of the person(s) who have written the HMMP and who will be responsible for delivery and maintenance of all Habitat Provision; and
    - iii. the metric used for the purposes of the HMMP; and
  - b) a section setting out all planned habitat activities, including:

- i. overarching aims and objectives;
  - ii. design principles informed by all relevant baseline information;
  - iii. full details of the Habitat Provision;
  - iv. a Condition Target for each habitat forming part of the Habitat Provision together with targets required to meet every Condition Target including timelines against which progress against those targets can be assessed;
  - v. details of all protective, management and maintenance measures in relation to the Habitat Provision to cover a period of at least thirty years from the Completion of Development; and
  - vi. details of any identifiable risk relating to the Habitat Provision and also the meeting of any Condition Target together with initial identified remedial measures relating to any such risk; and
- d) a monitoring schedule section including:
- a) a monitoring strategy;
  - b) details of monitoring methods to be used for a Monitoring Report together with intervals for the provision of every Monitoring Report to the local planning authority; and
  - c) details of how Adaptive Management will be incorporated into meeting every Condition Target; and
- e) plans and details reasonably necessary for each section.
- f) No [part of the development shall be occupied or otherwise brought into use] unless the local planning authority has approved in writing the Completion of Initial Habitat Report.
- g) The approved HMMP shall at all times be accorded with. If at any time it is identified that any Condition Target specified in the approved HMMP may not be, or is no longer being, met then Adaptive Management shall be implemented without unreasonable delay sufficient to ensure that the Condition Target will be met or continues to be met (as the case may be) in accordance with the approved HMMP.
- h) Whenever a Monitoring Report is submitted to the local planning authority in accordance with the approved HMMP, in addition to any other information, it shall in particular include:
- i. a progress summary;
  - ii. details of the person(s) responsible for compiling the information in the monitoring report;

- iii. details identifying the success or failure of the Habitat Provision both generally and in particular as against every relevant Condition Target;
- iv. progress toward every Condition Target including any identified barrier(s) to such progress;
- v. any Adaptive Management required to ensure that the Habitat Provision is on track to meet each Condition Target and continues to meet every Condition Target once achieved;
- vi. a register of activity; and
- vii. any identified need to vary the approved HMMP together with relevant explanation.

#### Definitions within HMMP

“Adaptive Management” means procedure(s) whether originally identified in the approved HMMP, a Monitoring Report or otherwise including a timetable for delivery to ensure that the Condition Target(s) are achieved and thereafter maintained [including any procedure(s) that the local planning authority may at any time specify in writing for such a purpose [in the event of any procedure not proving successful]];

“Condition Target” mean the minimum acceptable targeted level of habitat condition in relation to each habitat type situated on the application site including a time by when that habitat condition will be reached where it is not already being met;

“Completion of Initial Habitats” means the date on which the local planning authority issue an approval of the Completion of Development Report;

“Completion of Initial Habitats Report” means a written report submitted to the local planning authority for the purposes of this condition identifying the date on which the development hereby permitted has been completed together with evidence of such completion and also of compliance with all targets applicable on or before that date identified in the approved HMMP;

“Habitat Provision” means all habitat situated on the application site to which this permission relates to be retained, created and enhanced

“Monitoring Report” means a report containing monitoring and survey information to be submitted to the local planning authority in relation to the Habitat Provision including person(s) responsible for undertaking all such monitoring and surveys and submission of the report to the local planning authority.

Reason: to ensure there is adequate protection for the existing habitats and to ensure 10% Biodiversity Net Gain can be provided in accordance with the Biodiversity Gain Hierarchy as per paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and the Environment Act 2021.

## **Informative Notes:**

### **BNG**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and

- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan

Informative Note - If planning permission is granted a bat European Protected Species (EPS) mitigation licence from Natural England will be required to have been issued prior to any works commencing. An EPS licence is required to ensure the works are lawful. It is the responsibility of the applicant to arrange for application of the EPS licence.

Informative Note - that Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan will be required as there is proposed significant BNG on site, this must be agreed before commencement of any work.

### **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](mailto: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 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.

**Background Documents:**

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

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.