

## Officer Report

|                               |   |                                 |             |
|-------------------------------|---|---------------------------------|-------------|
| <b>Application Number:</b>    | 3/21/1115/FUL   |                                 |             |
| <b>Webpage:</b>               | <a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>                 |                                 |             |
| <b>Site address:</b>          | 184 RINGWOOD ROAD, ST LEONARDS AND ST IVES, BH24 2NR  |                                 |             |
| <b>Proposal:</b>              | Demolish existing residential buildings and erect block of 15 apartments with parking, bin and cycle stores |                                 |             |
| <b>Applicant name:</b>        | Harbourwood Homes Ltd   |                                 |             |
| <b>Case Officer:</b>          | Naomi Shinkins  |                                 |             |
| <b>Ward Member(s):</b>        | Cllr Bryan; Cllr Gorringe   |                                 |             |
| <b>Publicity expiry date:</b> | 30 September 2022   | <b>Officer site visit date:</b> | August 2022 |
| <b>Decision due date:</b>     | 31 October 2022   | <b>Ext(s) of time:</b>          | 18 Jan 2023 |

1.0 The application has been referred to committee by the Nominated Officer.

### 2.0 Summary of recommendation:

- a). GRANT subject to conditions and securing the affordable housing financial contribution via a Section 106 obligation.
- b). REFUSE if a satisfactory planning obligation is not completed.

### 3.0 Reason for the recommendation:

- The location is considered to be sustainable, and the proposal is acceptable in its scale, design, materials and visual impact.
- The proposal has an appropriate layout and design and would not have an adverse impact on the character and appearance of the area or the landscape.
- There is not considered to be any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity.
- The proposal would not have an adverse impact on road safety and the access proposed and on-site parking provision are acceptable.
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided.
- No other issues which would warrant refusal of the application.

### 4.0 Key planning issues

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| <b>Issue</b>                                      | <b>Conclusion</b>  |
|---|--|
| Principle of development                          | Acceptable - both paragraph 11 of the National Planning Policy framework (NPPF) and KS1 of the Christchurch and East Dorset Local Plan (LP) place a presumption in favour of sustainable development. This site is located within the urban area, being a sustainable location where development is supported. The site is therefore a suitable location for development |
| Scale, design, impact on character and appearance | Acceptable - the proposed development will be appropriate in scale and design in relation to the surrounding area  |
| Impact on amenity                                 | Acceptable - the proposed development will not have an adverse impact on neighbouring amenity.   |
| Impact on road safety & parking provision         | Acceptable- Use of existing access is appropriate and sufficient on-site parking is provided.  |
| Impact on biodiversity                            | Acceptable- There would be no adverse impact on biodiversity and biodiversity enhancements are proposed.   |
| Impact on Trees                                   | Acceptable - There would be no adverse impact on trees   |
| Drainage  | Acceptable – Proposed drainage is considered acceptable.   |

### **5.0 Description of Site**

- 5.1 The application site comprises 0.18ha of relatively flat land with well vegetated boundaries. It comprises an existing two storey chalet style dwelling and various out buildings. The existing access is from the A31 to the front of the site via a dropped kerb shared with the adjacent petrol station.
- 5.2 This part of the St Leonards and St Ives is a built up suburban area with the frontage dominated by Ringwood Road (the A31 dual carriageway) at a point of transition from residential to a commercial cluster. There is a varied frontage of buildings along Ringwood Road, varying plot sizes, spacings and a loose building line. A narrow lane Garden Lane runs along the western boundary of the site serving five detached dwellings. The scale of buildings varies from modest houses or bungalows up to larger scale commercial buildings.
- 5.3 There is a variety to the architectural character of the locality. The earliest buildings in the locality appear to date from the 1930s but most date from the second half of the 20th century or later. Buildings typically have a traditional form with pitched roofs.

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### 6.0 Description of Development

- 6.1 This planning application proposes the demolition of the existing dwelling and the replacement with an apartment block of 15 dwellings. A revised design was submitted in August 2022 and the following assessment is based on these drawings.
- 6.2 Dwellings are provided in the form of a 2.5/3 storey apartment block with the top storey within the hipped roof. Bin storage is provided to the boundary adjacent to the petrol station (east). Vehicular and pedestrian access is via the existing access on Ringwood Road. 13 unallocated parking spaces are provided to the rear along with secure cycle storage. 2 further unallocated spaces are provided to the front of the site.
- 6.3 The proposed apartment block is 2.5/3 storeys in height and traditional in design. Materials include render, brick and slate.
- 6.4 A summary of the proposed development is as follows:

|                                     | <b>Proposed</b>                                      |
|-------------------------------------|--|
| <b>Site Area (ha)</b>               | 0.18 ha  |
| <b>Use</b>                          | C3 residential                                       |
| <b>Width</b>                        | 20m  |
| <b>Length</b>                       | 25m  |
| <b>Units</b>                        | 15 flats (9 x 2bed, 6 x1 bed)                        |
| <b>Approximate Ridge Height (m)</b> | 11.5m  |
| <b>Approximate Eaves Height (m)</b> | 7m   |
| <b>Materials</b>                    | Brick, render, slate , upvc                          |
| <b>Parking Spaces</b>               | 15   |
| <b>No. of Storeys</b>               | 2.5/3 Storeys  |
| <b>Distance from boundaries</b>     | SW – 5-8m<br>NE – 10-11m<br>SE – 11.5m<br>NW – 19.5m |

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### 7.0 Relevant Planning History

- 3/18/0573/HOU – repair and replace existing 2m fence. Granted October 2013.
- 3/99/0957/FULL – single storey rear extension. Granted December 1999.

### 8.0 List of Constraints

Green Belt – land opposite only

Heathland 5 km zone

Contaminated land – petrol station adjacent

### 9.0 Consultations

All consultee responses can be viewed in full on the website.

#### Consultees

1. **Natural England** – no response
2. **Southern Gas Networks** – no response
3. **DC Environmental Health** – no objection subject to condition
4. **St Leonards & St Ives Parish Council** – object
  - significant danger the access/egress to the flats will bring to road users and pedestrians. The closeness to the petrol station and its location in the slip road and by the turning into Garden Lane will present an extremely dangerous stretch of road. Vehicles travelling at 50mph on the A31 arterial road, which can get extremely busy, will come in to contact with vehicles turning into and out of Garden Lane, the flats and the petrol station all within the space of a few metres. It is a concern to the PC that there is a disparity between the National Highways comments and DC highways comments.
  - Lack of parking for the flats. 15 spaces for 15 flats may fulfil DCs parking policy quota but there is likely to be considerably more cars than that. There is nowhere for them to park other than Woolsbridge Road – which will increase the danger of collision with vehicles exiting the A31 at speed. Garden Lane has no on street parking.
5. **Natural Environment Team (NET)** – a NET endorsed Biodiversity Plan dated 20/05/2022 has been submitted with the application
6. **Highways England (HE)** – No objection subject to pre commencement conditions to ensure that access improvements are implemented and available for use prior to occupation of the development.

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Further, the applicant will need to enter into a legal agreement with HE, as the scheme will involve works within the highway boundary

7. **Wessex Water** – Infiltration test results required.
8. **Lead Flood Authority** - No objection subject to condition
9. **Dorset Waste Partnership** - no response
10. **Dorset Council Highways** – Defer on access issues to Highways England. No objection subject to condition in relation to internal layout
11. **DC Trees & Landscape** – No objection subject to condition

### Representations received

| Total - Objections | Total - No Objections | Total - Comments |
|--------------------|-----------------------|------------------|
| 41                 | 1                     | 0                |

The application was advertised by means of site notices and a press advertisement.

Forty one members of the public have submitted representations, raising concerns as follows:

- Overlooking of neighbouring properties
- Highways safety concerns particularly in relation to the A31 and adjacent petrol station
- Increased traffic
- Apartment block would impact negatively on the character of the area
- Light pollution
- Construction impacts
- Loss of trees
- Insufficient parking
- 3 storeys is too tall
- Proposed design is out character to the area
- Loss of value of existing properties
- Insufficient infrastructure (schools, doctors, dentists, internet)
- Some information submitted is incorrect
- Amendments submitted do not address concerns raised.

One letter of support noting:

- Will improve the area
- Will provide housing for younger generation

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### 10.0 Relevant Policies

#### **Development Plan:**

#### **Christchurch and East Dorset Core Strategy 2014**

#### **East Dorset Local Plan 2002 (saved policies)**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

10.2 The following policies are of particular relevance in this case:

The Christchurch and East Dorset Core Strategy (2014) ("the Core Strategy")

Policy HE2 - Design of New Development

Policy HE3 – Landscape Quality

Policy KS1 - Presumption in Favour of Sustainable Development

Policy KS11 - Transport and Development

Policy KS12 - Parking Provision

Policy LN1 - The Size and Type of New Dwellings

Policy LN2 - Design, Layout and Density of New Housing Development

Policy LN3 - Provision of Affordable Housing

Policy ME1 – Safeguarding Biodiversity and Geodiversity

Policy ME2 - Protection of the Dorset Heathland

Policy ME4 – Renewable Energy Provision

Policy ME6 – Flood Management, Mitigation, and Defence

10.3 The East Dorset Local Plan (2002) ("the Local Plan")

Policy DES2 - Pollution

Policy DES11 - Enhancing the Environment

Policy LTDEV1 – External Lighting

10.4 **Other Material Considerations**

#### Supplementary Planning Documents/Guidance:

Dorset Heathlands Planning Framework 2020 - 2025 SPD (DHPF)

#### National Guidance

The National Planning Policy Framework (NPPF) July 2021 and National Planning

Practice Guidance (NPPG)

Paragraph 11d of the NPPF sets out the presumption in favour of sustainable development.

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Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Most relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change

### **11.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **12.0 Public Sector Equalities Duty**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The proposal would result in fifteen dwellings being provided in a sustainable urban location with level ground floor access. No disadvantage to persons with protected characteristics is anticipated.

### **13.0 Financial benefits**

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| What                            | Amount / value |
|---------------------------------|----------------|
| Material Considerations         |                |
| Affordable housing contribution | £58,147        |
|                                 |                |
| Non Material Considerations     |                |
| CIL                             | TBC            |

### 14.0 Climate Implications

14.1 The proposed will result in the redevelopment of a brownfield site within a sustainable urban location. While the development will be new build, given the relatively low number of dwellings, the proposal is not considered to have a significant impact on climate change. Renewable energy source and water efficiency requirements have been conditioned.

### 15.0 Planning Assessment

15.1 The main issues relation to this application are considered to be:

- 6.1 - The Principle of Development
- 6.2 – Viability
- 6.3 - Design and Appearance
- 6.4 - Local Amenity
- 6.5 - Highway Impact
- 6.6 - Trees
- 6.7 - Biodiversity
- 6.8 - Drainage

#### **Principle of development**

15.2 This planning application proposes the erection of new dwellings within the development limits of the main urban area of St Leonards and St Ives, where the principle of development is acceptable subject to accordance with other local and national planning policy.

#### **Viability**

15.3 The submitted viability appraisal states that the proposal cannot support any affordable housing or other financial contributions, apart from CIL.

15.4 Policy LN1 of the Core Strategy states that individual sites will be expected, in terms of the size and type of new market and affordable dwellings, to reflect the needs of the Strategic Housing Market Assessment (SHMA). Policy LN3 of the Core Strategy states that greenfield residential development resulting in a net increase of housing is to provide up to 50% of the residential units as affordable housing. All other residential development resulting in a net



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increase of housing is to provide up to 40% affordable housing. As the application site is currently residential, 40% affordable housing is required.

- 15.5 The submitted viability information has been assessed by the District Valuation Service (DVS) - The DVS is the specialist property arm of the Valuation Office Agency (VOA) who provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved.
- 15.6 The DVS has advised while onsite affordable housing is not viable, a financial contribution of £58,147 is. This was in relation to the initial design where 10x2 bed and 5 x 1 bed apartments were provided and the applicant accepted the DVS' findings. The revised design submitted in August 2022 is for 9x2 bed and 6x1 bed apartments. Despite the reduction in 2 bed apartments the application is still willing to pay the contribution previously specified and secure the affordable financial contribution via a Section 106 agreement.
- 15.7 With a financial contribution secured in line with the DVS findings, the proposed is considered to accord policy LN3 of the Core Strategy.

### **Design**

- 15.8 The proposed apartment block is 2.5/3 storeys in height and traditional in design. Materials include render, brick and slate.

Policy HE2 of the Core Strategy states that new development must be of a high quality and that in various respects, including its visual impact, it must be compatible with or improve its surroundings. Policy DES11 of the Local Plan states that development will only be allowed where, in terms of its form and materials amongst other things, it would respect or enhance its surroundings. Section 12 of NPPF July 2021 notes '*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*'

- 15.9 A revised design was submitted in August 2022 and the following changes were made:
- Bedroom windows to first and second floor apartments overlooking 186 Ringwood Rd removed by replacing the 2 bed with a 1 bed apartment and rearranging the internal layout.
  - Main pitched roof replaced with a hipped roof to reduce bulk and massing of roof line
  - Parking now in accordance with DC guidance including visitor spaces by reducing the number of 2 bedroom apartments.
  - Relationship to the access road improved with defensible space now provided at entrance area.

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15.10 Dwellings are provided in the form of 9x2 bed and 6x1bed apartments within a 2.5/3 storey apartment block, where the third storey accommodation is located within the hipped roof. Communal garden space is provided to the front and side. Bin storage is provided within the site, adjacent to the filling station boundary and the majority of parking is to the rear, with 2 spaces located to the front. Cycle parking is provided to the rear. Vehicular and pedestrian access is via the existing access on Ringwood Road. The proposed building is traditional in design and brick and render are the main materials proposed. The proposed building is 11.5m from the from the public highway and existing trees are retained which screen the site extensively.

15.11 Third party concerns have been raised that the proposed is out of keeping with the character of the area and that 3 storeys is too high. It is the case officer's opinion that the revised design would not warrant refusal in design terms as noted in the next paragraph and is screened by substantial trees to the frontage, which will be retained.

15.12 The proposed is 11.5m in height to the highest ridge and 7m to the eaves. While concerns regarding scale and height are acknowledged in relation to single storey dwellings in the immediate area, the proposed is also adjacent to a commercial cluster comprising a filling station and two storey travel lodge. Given the change of character to this part of Ringwood Road, a taller building is not unacceptable. The height of the third storey is constrained by containing the accommodation within the roof space and the roof is hipped away from all boundaries. As noted previously, the building is set back from the public highway and screened by substantial trees to be retained. Therefore it is considered the proposed would not have an impact on the character of the area to an extent that would warrant refusal. The proposal therefore accords with Policies HE2 and DES 11.

### **Trees and Landscaping**

15.13 Policy HE3 of the Core Strategy notes development needs to protect and seek to enhance the landscape character of the area. Section 15 of the NPPF (2021) aims to protect the natural environment including trees. Third party concerns have been raised regarding the loss of trees on the site.

15.14 An aboriocultural assessment has been submitted and the tree officer has advised the findings of the submitted Tree Report application are broadly agreed with, including the removal of some trees on site. The tree located on the northern boundary, while screening the site from the neighbouring properties, is in a poor condition and the argument to retaining it is not there. The same can be said for the trees along the eastern boundary with the petrol

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station and the western boundary also. However the tree officer advised there will need to be a strong landscaping scheme both to screen the neighbouring properties from the build and vice versa. Therefore there is no objection subject to the landscape and tree protection conditions added to end of this report.

- 15.15 Proposed landscaping is considered to be generally acceptable, however conditions in relation to landscaping detail ( Conditions 12 &13)have been imposed to ensure planting details are sufficient as per the tree officer request. The proposed therefore is in accordance with policies HE2 and HE3 of the Core Strategy subject to conditions.

### **Local Amenity and Standard of Accommodation**

- 15.16 Policy HE2 of the Core Strategy states that new development should be compatible with or improve its surroundings in relation to nearby properties and general disturbance to amenity. Section 12 of the NPPF encourages good design that is safe and inclusive.
- 15.17 The proposed separation distance to the neighbouring dwellings are as follows:
- Garden Lane (SW) – 5-8m
  - Filling Station (NE) – 10-11m
  - A31 (SE) – 11.5m
  - Garden Lane extending to the rear (NW) – 19.5m
- 15.18 Third party concerns have been raised regarding overlooking to neighbouring properties. The revised design removed previously proposed windows to the SW elevation, which have overlooked 186 Ringwood Road. While the loss of some trees reduces screening to neighbouring boundaries, proposed separation distances are considered acceptable where windows directly face neighbouring properties, which is 19.5m to the NW. Notwithstanding this, windows to the rear would overlook dwelling frontages, mostly used for parking.
- 15.19 Concerns were also raised that a 3 storey building would be overbearing from neighbouring properties. Given the separation distances set out above, hipped roof and separation by Garden Lane, it is not considered the proposed would have an overbearing impact to an extent that would warrant refusal.
- 15.20 In terms of amenity for future occupiers – the proposed development provides 1 bed 2 person and 2 bedroom 3 person dwellings. Internal space requirements provided exceed standards required by the Christchurch and East Dorset Local Plan. There are no external space standard requirements but external communal space is provided to the front and side of the proposed building.

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15.21 Therefore the proposal is considered to be in accordance with Policy HE2 of the Core Strategy.

### **Noise**

15.22 The proposed building is adjacent to the A31. The Environmental Health (EH) Officer has been consulted and advised that the proposed is acceptable subject to proposed conditions 5,14 &20 (set out in full in section 16):

- Noise impact assessment required for mitigation from noise from the A31 for future occupiers
- Construction management information is required including hours of construction and best practice on site to minimise disruption to neighbours.

### **Contaminated Land**

15.23 The proposed is adjacent to the filling station and the EH Officer has been consulted. The EH Officer has requested a contaminated land condition is imposed (proposed Condition 19)

### **Highways and parking**

15.24 Policy KS12 states that adequate vehicle and bicycle parking should be provided to serve new development. Third party concerns have been raised insufficient parking has been provided.

15.25 15 unallocated parking spaces have been provided on site. DC parking guidelines requires this development to provide 13 unallocated spaces only. Therefore there is an over provision of 2 spaces based on the guidelines. Cycle parking has been provided to the rear in a separate structure.

15.26 Third party concerns have also been raised regarding highways safety and access from the A31. DC Highways Officers deferred access issues to National Highways.

15.27 National Highways have been consulted and advised they had no objection once additional information was provided subject to the following conditions:

- Scheme of improvement works to the A31 trunk required (Condition 6)
- Construction traffic management plan required(Condition 5)
- Tree works information required for removal (Condition 7)
- Boundary landscaping to be agreed (Condition 8)
- No surface water to the A31 (Condition 9)

15.28 Paragraph 111 of the NPPF notes:

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*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

In terms of its impact on highway safety and the provision of adequate parking provision, the proposal is considered to be in accordance with Policy KS12 of the Core Strategy, subject to the use of the aforementioned conditions.

### **Biodiversity**

- 15.29 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site.
- 15.30 The proposal for a net increase of 14 residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.15.31
- 15.31 The appropriate assessment dated August 2022 has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
- 15.32 The Council collects Heathland mitigation payments via the Community Infrastructure Levy (CIL) and/or legal agreements which will secure the necessary contribution in accordance with the Dorset Heathlands SPD. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with Core Strategy Policy ME2.
- 15.33 Concerns have also been raised that proposed did provide a Biodiversity Mitigation Enhancement Plan (BMEP). A Dorset Council Natural Environment Team endorsed BMEP has been submitted dated June 2022. A condition is imposed to secure the delivery of this plan.

### **Drainage**

- 15.34 The application site is not within a flood risk zone and is identified on the Environment Agency flood risk as 'very low risk' with regards to surface water flooding.

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- 15.35 Third party concerns have been raised in relation to flood risk. Whilst the site is not thought to be at risk of flooding the proposed scheme has the potential to exacerbate risk to adjacent areas if surface water runoff from the proposed development is not adequately managed. In accordance with the recommendations of the National Planning Policy Framework all development proposals are to be supported by a strategy of surface water management that is both viable and deliverable, and which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at risk, or worsening.
- 15.36 It is noted that the Highways Authority require that surface water is not discharged into highways drains. The proposed drainage strategy highlights discharge of surface water via permeable paving and diffuser tanks. The DC Lead Flood Authority have been consulted and noted that the proposed is acceptable on the basis of the conceptual drainage strategy shown. Wessex Water have advised that if this approach fails then the surface water should be discharged to the existing surface water sewer in Braeside Road. If this option is legitimately discounted Wessex Water have confirmed that a reduced rate discharge to the foul sewer would be acceptable. Full results from groundwater monitoring will need to be submitted (under Conditions 19 & 20) in order to demonstrate that the proposed soakaways will not be compromised by groundwater.
- 15.37 The proposed development is considered to be in accordance with Policy ME6 of the Core Strategy.

### **Servicing**

- 15.41 Bin storage is provided within the site, to the eastern boundary adjoining the filling station. Dorset Waste Services have been consulted and no response was received.
- 15.42 The submitted transport statement identifies how a full size refuse vehicle can enter and turn on site. Officers are satisfied DWS requirements can be met where reversing distances are less than 12m and pull distances are less than 10m. Highways England have raised no objection to refuse vehicle movements proposed to enter and exit the site. The proposed servicing is therefore considered acceptable.

### **16.0 Conclusion**

- 16.1 This assessment exercise has involved considering the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other material considerations. All of the foregoing factors have also been considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

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16.2 The proposal is therefore considered to comply with the requirements of the Development Plan as a whole and to be sustainable development for the purposes of NPPF paragraph 11. The recommendation is for approval of the application with conditions and securing the affordable housing financial contribution via Section a 106 Legal agreement.

### **A) Recommendation: Approval**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

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

9457/100 'I' Block Plan

9457/101 'B' Floor Plans

9457/102 'B' Elevations

9457/103 'D' Elevations

9457/105 'C' SUDS Plan

9457/107 'A' Site Section

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

3. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number '9457/100 I' must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

4. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number '9457/100 I' must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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Reason: To ensure the proper and appropriate development of the site.

5. Before the development hereby approved commences a Construction traffic Management Plan (CTMP), Construction Method Statement (CMS) Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. The CMS & CEMP must include:
- construction vehicle movements
  - construction operation hours
  - construction delivery hours
  - expected number of construction vehicles per day
  - car parking for contractors vehicles
  - arrangements for on-site off-loading and storage of construction plant and materials as no parking or off-loading will be permitted from the A31
  - the provision of adequate turning space on site to ensure vehicles can enter and exit the A31 in a forward gear.
  - storage of plant and materials used in constructing the development
  - the use of plant and machinery
  - wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.

The approved CMS, CTMP & CMP shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. No occupation of the dwellings hereby permitted shall take place unless and until the scheme of works for the improvement of the access onto the A31 trunk road is completed and available for use. The works shall be implemented in accordance with the preliminary design drawing 800-0032-006 Rev B, subject to any necessary changes identified during the detailed design and Road Safety Audit process.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

7. Prior to the removal of trees in proximity to the boundary with the A31 trunk road, a method of works shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). The method statement shall include consideration of traffic management requirements to protect users of the A31 trunk road and associated public footpath. The works



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shall be undertaken in accordance with the agreed method statement by a suitably qualified contractor.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

8. Prior to the commencement of the development hereby permitted, a boundary treatment/landscaping plan shall be submitted to and agreed in writing by local planning authority (in consultation with National Highways). The plan shall include details of any fencing or planting, its location with reference to the National Highways boundary, and a maintenance schedule. Boundary treatments shall be implemented prior to occupation in accordance with the agreed plan and maintained as such thereafter.

Reason: in the interest of the safe and efficient operation of the A31 trunk road.

9. The method of surface water drainage for the development hereby permitted shall be designed, implemented and maintained to ensure no surface water run-off arising from the development site shall enter the trunk road or highways drainage systems.

Reason: in the interest of the safe and efficient operation of the A31 trunk road and to protect the highways drainage asset.

10. The development hereby approved shall not be occupied unless and until the protected species mitigation measures as detailed in the approved mitigation plan dated 20/05/2022 have been completed in full unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: This information is required prior to the commencement of development to ensure that bat/barn owl species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation of Habitats and Species Regulations 2010 and policy ME1 of the Christchurch and East Dorset Core Strategy.

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

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing. This decision has also had regard to Policies HE2 and HE3 of the

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Local Plan and Government Guidance contained in the National Planning Policy Framework.

12. No development above damp proof course (DPC) shall take place until full updated details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include full details of structural tree pits (tree Bunker or Silvacell or similar); details of boundary planting; and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All works shall be undertaken strictly in accordance with the details as approved and maintained as such.

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

13. All hard and soft landscape shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the long term establishment, maintenance and landscaping of the site to preserve the amenity of the locality and biodiversity. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

14. No construction work in relation to the development, including preparation prior to operations, shall take place other than between the hours of 08.00 hours to 18.00 hours Monday to Friday and 09.00 hours to 13.00 hours on Saturdays and at no time on Sundays or Public or Bank Holidays.

Reason: To safeguard the amenity of existing residents having regard to Local Plan Policy HE2.

15. No development above damp proof course (DPC) shall take place until details have been submitted to and approved in writing by the Local Planning Authority that cover the following matters:

- how the development shall achieve at least 10% of the total regulated energy (used for space heating, hot water provision, fixed lighting and ventilation) used in the dwellings in each phase from renewable sources, unless otherwise agreed in writing with the local planning authority;

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- that options for district heating, and/or power facilities to serve the development have been investigated;
- where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall be implemented in accordance with the agreed details.

Reason: To help meet the UK's carbon emissions targets and comply with Policy ME4 of the Christchurch and East Dorset Core Strategy.

16. No development above damp proof course (DPC) shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. The scheme shall be implemented in accordance with the agreed details.

Reason: This condition contributes to sustainable development and meeting the demands of climate change. Increased water efficiency for all new developments also enables more growth with the same water resources.

17. Notwithstanding details already submitted with the application, the protection of trees shall be in accordance with the Tree Implication Assessment, Method Statement and Tree Protection Plan submitted by RNapc Reference Tree Implication Assessment, Method Statement and Tree Protection Plan submitted by RNapc Reference RNapc/168/TPP/1 dated 20 May 2021. This condition shall not be discharged before an Arboricultural supervision statement, the contents of which are to be agreed at a pre-commencement meeting, is submitted to and approved in writing by the local planning authority on completion of development and prior to the dwelling being occupied.

Reason: To comply with the arboricultural and landscape requirements

18. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, which shall not be of a calcareous nature rather a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority.

REASON: To safeguard trees and natural features which are important to the visual amenities of the area

19. Prior to the commencement of the development hereby approved the following Remediation Scheme shall be submitted to and agreed in writing by the Local Planning Authority:

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- 1) a 'desk study' report documenting the site history.
- 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment.
- 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
- 4) a detailed phasing scheme for the development and remedial works (including a time scale).
- 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

Reason: To ensure potential land contamination is addressed.

20. Before installation of plant or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the local planning authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area; all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained there after.

Reason: In order to protect the living conditions of surrounding residential properties.

19. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction, has been submitted to, and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

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

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

### **Informatives:**

1. The A31 access improvement scheme associated with this consent involves works within the public highway, which is land over which the applicant has no control. National Highways will therefore require the applicant to enter into a suitable legal agreement to cover the detailed design and construction of the works. Please contact South East Operations at [SE3PPArea3@nationalhighways.co.uk](mailto:SE3PPArea3@nationalhighways.co.uk) at an early stage to discuss the details of the highways agreement. You should be aware that an early approach to National Highways is advisable to agree the detailed arrangements for financing the design and construction of the scheme. Commencement of works will also need to be timed to fit in with other road works on the strategic road network or local road network to ensure there are no unacceptable impacts on congestion and road safety. Please be advised that National Highways will charge Commuted Sums for maintenance of schemes delivered by third parties. These will be calculated in line with HM Treasury Green Book rules and will be based on a 60 year infrastructure design life period
2. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. The applicant is advised to have early discussions with Wessex Water in relation to the possible adoption of SuDS features in order to ensure that the final design of the attenuation features are in line with their design requirements.

**B) Refuse permission for the reasons set out below if the agreement is not completed by 31 March 2023 or such extended time as agreed by the Head of Planning.**

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1. The proposed development fails to make an appropriate contribution to affordable housing, contrary to Policy LN3 of the Christchurch and East Dorset Local Plan – Part 1 2014.

### **Background Documents:**

Case Officer: Ursula Fay / Naomi Shinkins

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