



Appeal Decisions

Site visit made on 13 February 2018

by **David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2018

Appeal A: Ref: APP/G1250/W/17/3182472

Appeal B: Ref: APP/G1250/W/17/3192013

Telecom House, 35 Holdenhurst Road, Bournemouth, BH8 8EJ

- **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- **Appeal B** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- Both appeals are made by Watkins Jones Group against Bournemouth Borough Council.
- The application which is the subject of **Appeal A** is Ref 7-2017-2187-U, dated 24 May 2017.
- The application which is the subject of **Appeal B** is Ref 7-2017-2187-Y, dated 17 August 2017. It was refused by notice dated 4 December 2017.
- Both applications sought planning permission for "Demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising of offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements" without complying with conditions attached to planning permission Ref 7-2015-2187-O, dated 27 November 2015.
- The condition in dispute in both appeals is No 5, which states: "*Unless an alternative phasing scheme is agreed in writing with the Local Planning Authority, the development will be completed in the following order:*
 1. The development at Site 3 (Christchurch Road) will be the first phase of the development to be constructed and will be completed in its entirety including the construction of the B1/D1 block to shell and core.
 2. The development at Site 1 (Oxford Road) will be the second phase of development to be constructed. Before all buildings on Site 3 (Christchurch Road) are completed, as specified above, the construction of the basement car park will have commenced on Site 1 (Oxford Road). For the avoidance of doubt commencement will include all of the following works: demolition of the existing building (Oxford House), excavation of the basement car park and the construction of the structural foundations of the proposed building.
 3. The development at Site 2 (Holdenhurst Road) will commence after the development at Site 1 (Oxford Road) and will be the third phase of development to be constructed. Prior to the occupation of the student accommodation at Site 1 (Oxford Road) and unless otherwise agreed in writing with the Local Planning Authority beforehand, the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) will be completed.

4. *The development on Site 2 (Holdenhurst Road) shall be completed to shell and core specification within 2 years of the first occupation of site 1 (Oxford Road)".*

(NOTE – only parts 3 and 4 are in dispute)

- The reason given for the condition is: *"To secure the development of all three sites in their entirety and in accordance with Policy CS8 of the Bournemouth Local Plan: Core Strategy (October 2012)".*
 - Both applications also sought consequential changes to conditions 6, 25, 28, 31 and 32. Details are set out below, in the body of this decision.
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Decisions

1. **Appeal A¹** is allowed and planning permission is granted for demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements at 13-19 Oxford Road; land adjacent to 35 Holdenhurst Road (Telecom House); and 24 Christchurch Road and land adjacent on the corner of Christchurch Road and St Swithuns Road in accordance with the application Ref 7-2017-2187-U made on 24 May 2017 (as amended by Annex A to letter from Roman Summer to the Council dated 10 August 2017) without complying with conditions Nos 5, 6, 25, 28, 31 and 32 set out in planning permission Ref 7-2015-2187-O granted on 27 November 2015 by the Council, but otherwise subject to the conditions set out in the Schedule at the end of this decision.
2. **Appeal B** is allowed and planning permission is granted for demolition of existing buildings and redevelopment of three sites within the Lansdowne (up to a maximum height of 17 storeys) for a mixed use development comprising offices, tertiary teaching accommodation and medical uses (Use Classes B1 and D1) purpose built student accommodation (Sui Generis), a Hotel (Class C1), flexible retail and commercial uses (Use Classes A1/A2/A3/B1/D1/D2) together with ancillary and communal facilities, car parking, landscaping, new walkways and public realm improvements at 13-19 Oxford Road; land adjacent to 35 Holdenhurst Road (Telecom House); and 24 Christchurch Road and land adjacent on the corner of Christchurch Road and St Swithuns Road in accordance with the application Ref 7-2017-2187-Y made on 17 August 2017 without complying with conditions Nos 5, 6, 25, 28, 31 and 32 set out in planning permission Ref 7-2015-2187-O granted on 27 November 2015 by the Council, but otherwise subject to the conditions set out in the Schedule at the end of this decision.

Preliminary matters and background to the appeals

3. Application Ref 7-2015-2187-O was granted planning permission in November 2015 for the comprehensive redevelopment of 3 sites in Bournemouth Town Centre. The sites all lie in the designated Lansdowne Employment Area as set out in the Bournemouth Local Plan: Core Strategy (CS), adopted in 2012. The 3 sites are detailed above, but the Holdenhurst Road postcode has been used in the banner heading as both appeals relate primarily to that site.

¹ For the avoidance of doubt, it should be noted that I have accepted the appellant's request to determine Appeal A on the same basis as Appeal B (ie, as detailed in application Ref 7-2017-2187-Y), for reasons explained elsewhere in this decision

4. Development has commenced, with the Officer's Reports to the Planning Board explaining that Site 3, on the corner of Christchurch Road is nearing completion with the student accommodation now occupied and the hotel expected to open in early 2018, and with the office block to follow in the summer of 2018. The Officer's Reports also state that work has commenced on Site 2 on Oxford Road, with that development expected to be completed in August 2018.
5. Condition 5 of this planning permission set out details of proposed phasing of the overall development, to ensure all 3 sites were delivered in accordance with the approved plans. Parts 1 and 2 of this condition have now been complied with, but it is Parts 3 and 4 which the appellant seeks to vary under both of the applications now at appeal. Part 3 of the condition requires the whole of the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) to be fully completed prior to any occupation of Site 1 (Oxford Road), whilst Part 4 currently requires the development on Site 2 to be further completed to shell and core specification within 2 years of the first occupation of the Oxford Road site.
6. However, due to concerns of over-supply in the office sector in the current economic climate, and issues of viability, the appellant initially sought a "softening" of the linkage between Sites 1 and 2, by means of a Section 73² (S73) application which, for ease, I shall refer to as "**Application A**". The revised wording sought for Part 3 was:

"Prior to occupation of the student accommodation at Site 1 (Oxford Road), as specified above, the construction of the basement car park and concrete frame will have commenced on Site 2 (Holdenhurst Road). For the avoidance of doubt, commencement will include all of the following works:

- excavation of the basement; and
- completion of all concrete frame works from the basement up to the underside of the third floor.

In addition, within 12 months of the occupation of the student accommodation at Site 1 (Oxford Road) and unless otherwise agreed in writing with the Local Planning Authority beforehand, the structural frame for both the underground car park and the building at Site 2 (Holdenhurst Road) will be completed."

7. As approved, Part 4 requires the development on Site 2 to be further completed to shell and core specification within 2 years of the first occupation of Site 1, but through **Application A** the appellant initially sought to have this period extended to 3 years from the occupation of Site 1, in order to properly reflect the 12 month extension sought under Part 3.
8. The above points represent the appellant's original intention for **Application A** upon submission in May 2017. However, in August 2017, prior to this application being determined, the appellant informed the Council that although it was agreeable to retaining the proposed change to Part 3 that commits to constructing the car park and frame up to the underside of the third floor, it could no longer accept or commit to any requirement above and beyond that, to complete Site 2 in its approved guise at any stage in the process.
9. The appellant therefore requested that the application be amended to reflect this situation. The requested changes would, in effect, have removed Part 4 from the

² Section 73 of the Town and Country Planning Act 1990, as amended

condition in its entirety, thereby removing any further linkages or commitments between Sites 1 and 2, other than those retained in Part 3 as proposed to be revised.

10. However, the Council refused to accept these further amendments to **Application A**, arguing that the proposed revision to effectively negate the requirement for Site 2 to be developed represented a completely different proposition to that originally applied for. As such, the Council indicated that if this was the option the appellant now wanted to pursue, it would have to do so through a new application, which would require full publicity³.
11. In August 2017 the appellant appealed against the non-determination of **Application A** (now the subject of **Appeal A**), and at the same time informed the Council that it intended submitting a revised S73 application (**Application B**), to achieve this fuller de-linking of Sites 1 and 2 as detailed in paragraph 9 above. The appellant also wrote to the Planning Inspectorate at this time requesting that notwithstanding the Council's position on this matter, **Appeal A** should be determined on the basis that there would be no further linkages or commitments between Sites 1 and 2, other than those retained in the proposed to be revised Part 3 of Condition 5.
12. The next item of note in this sequence of events is the fact that although it was no longer able to make a decision on **Application A**, as it had been appealed, the Council did consider this proposal at a Planning Board in October 2017, when it resolved that it would have been minded to approve the requested changes to condition 5, and the amendments to the other conditions listed in the original **Application A** proposal, if an appeal against non-determination had not been lodged. As a result, the Council has made it clear to the Planning Inspectorate that it does not contest **Appeal A**, provided it is determined on the basis of the originally submitted wording.
13. Subsequently, on 4 December 2017, the Council refused to grant planning permission for **Application B**, for the following reasons:

"It is considered the proposed variation of condition 5 would result in an unacceptable de-linking of Site 2 (Holdenhurst Road) from the scheme consented under planning application 7-2015-2187-O. Consequently, it would result in a combined mix of uses on Site 1 (Oxford Road) and Site 3 (Christchurch Road) that would be contrary to the requirements of Policy CS8 of the Core Strategy.

In addition, the proposals would be contrary to the aims of Paragraph 23 of the National Planning Policy Framework (NPPF) which require Local Planning Authorities to allocate a range of suitable sites to meet the scale and type of office needed in town centres".

This now forms the subject of **Appeal B**.

14. This rather complicated sequence of events has led to a somewhat unusual situation whereby the appellant, in effect, is requesting that both **Appeal A** and **Appeal B** be determined on the same, "**Application B**" basis whilst, in contrast, the Council considers that **Appeal A** should be determined on the basis of the originally submitted wording put forward through **Application A**.

³ This the appellant duly did, by submitting **Application B** in August 2017

15. In coming to a view on these alternative approaches, I have been very mindful of the fact that the appellant has made it abundantly clear that it has no intention, whatsoever, of pursuing the **Application A** option as originally submitted. In the appellant's view, as set out in various parts of its evidence for these appeals, the approved Holdenhurst Road scheme "is not viable and it will not happen".
16. Faced with this clear statement from the appellant, I have taken the view that no sensible or practical purpose would be served by me determining **Appeal A** on the basis of the initially sought "softening" of the linkages between Sites 1 and 2. I therefore intend to determine both **Appeal A** and **Appeal B** on the same basis, namely that the wording of Parts 3 and 4 of Condition 5 of permission 7-2015-2187-O be amended to read:

"Prior to occupation of the student accommodation at Site 1 (Oxford Road), as specified above, the construction of the basement car park and concrete frame will have commenced on Site 2 (Holdenhurst Road). For the avoidance of doubt, commencement will include all of the following works:

- *excavation of the basement; and*
- *completion of all concrete frame works from the basement up to the underside of the third floor.*

17. In addition, the appeal proposals seek consequent variations to conditions 6, 25, 28, 31 and 32 to account for the requested variation of Condition 5.
18. Also of relevance is the fact that at the Council's Planning Board on 18 December 2017, planning permission was granted, subject to the completion of a Section 106 (S106) Agreement⁴ for an alternative proposal on the Holdenhurst Road site, from the same applicant/appellant as in the current cases. This proposal, ref 7-2017-2187-X, is for a live-work facility comprising 147 residential units (Class C3) and 4,579sqm of work and office space (Class B1) including ancillary works and car parking, together with a variation of condition 14 of permission ref 7-2015-2187-O to allow the 3,559sqm of permitted Class D1 tertiary teaching accommodation/academic space at the site of the former Oxford House on Oxford Road to be used also as Class B1 offices.

Main issue

19. Having regard to the points set out above, and the Council's reason for refusal in the case of Application B, I consider that the main issue is the effect of the requested amendment to condition 5 of planning permission 7-2015-2187-O on the development plan's strategy for the Lansdowne area of the town centre.

Reasons

20. The original planning permission⁵ put forward a development proposal for a mix of uses on 3 separate sites, all within the Lansdowne Employment Area. In summary, the uses proposed for Site 1 (Oxford Road) were 3,559sqm of Class D1 (Non-Residential Institutions) floor space and 14,872sqm (470 rooms) of purpose-built and managed student accommodation (Sui Generis); for Site 2 (Holdenhurst Road), the use proposed was 12,800sqm of Class B1 (Offices) and Class D1 (Non-Residential Institutions) floor space; and for Site 3 (Christchurch Road), the uses proposed were 6,734sqm of Class B1 (Offices) and Class D1 (Non-Residential

⁴ Made under Section 106 of the Town and Country Planning Act 1990, as amended

⁵ ref 7-2015-2187-O

Institutions) floor space (to possibly include a medical centre within Class D1), 13,350sqm (454 rooms) of purpose-built and managed student accommodation (Sui Generis), and 5,573sqm of Class C1 (Hotel) floor space (128 bedrooms).

21. In addition, each site would also provide car parking and cycle parking spaces, and the overall proposal also contained a range of other items including pedestrian facilities, landscaping and public realm enhancements, some of which would be secured by a S106 Agreement.
22. In granting this planning permission the Council considered that the overall development would satisfy the objectives of CS Policy C8, and relevant policies in the NPPF. Policy CS8 seeks to ensure that within the boundary of the Lansdowne Employment Area, development provides principally Use Class B1 (Business) space or tertiary teaching development. It goes on to say that other uses that form an element of a principally Class B1 or tertiary teaching led mixed-use scheme will also be acceptable, providing the function and integrity of the principal uses are not compromised.
23. Both current appeal proposals seek to remove the linkage between Sites 1 and 2 - which requires the entire frame of the Site 2 building to be completed before Site 1 is occupied - although the appellant would still be committed to excavating the basement on the Holdenhurst Road site, and completing all of the concrete frame works from the basement up to the underside of the third floor. The submitted evidence emphasises that this work on the Holdenhurst Road site is likely to cost the appellant some £3.1 million of its own money, but remains a firm commitment. In this regard I note that the foundation works for the currently approved scheme at Holdenhurst Road are the same as for the live-work scheme approved under planning permission ref 7-2017-2187-X, detailed above.
24. In support of this request for de-linking the appellant informed the Council, in the Planning Statement which accompanied Application A, that it was having difficulty procuring funding to continue the development of the Oxford Road site. This was because the linkage in the currently approved scheme was presenting an excessive and unacceptable risk for the funders, to the extent that they confirmed that they would not release the remainder of the funds to enable the completion of Site 1 until such time as the linkage is adjusted. This stance was backed up by detailed marketing information which revealed that despite national, regional and local marketing over a prolonged period of some 22 months, no serious interest had been shown for the Class B1/D1 parts of sites 1 and 2.
25. At first the appellant was seeking a "softening" of this linkage between Sites 1 and 2, as referred to above, with the detailed Marketing Report produced by Goadsby⁶ advising that the delivery of Site 2 (referred to as Digital Point) should ideally be delayed by about 5 – 10 years in order to prevent an over-supply situation and allow the market to develop. However, the appellant's position changed, to requesting the fuller de-linking described above, in light of a Viability Report produced for the appellant by GVA⁷. This report quite clearly indicates that the Holdenhurst Road scheme is unviable, both as a stand-alone scheme and as a scheme cross-subsidised by Sites 1 and 3. Put simply, the appellant states that the approved Holdenhurst Road scheme is not viable and will not happen.

⁶ Marketing Report on One Lansdowne Plaza, Oxford Point and Digital Point, Bournemouth, Dorset - Ref JE/KDP/0.18832, dated 3 July 2017

⁷ Viability Report - Lansdowne, Bournemouth - dated July 2017

26. Independent verification of this position was provided by BPS Chartered Surveyors (BPS), who reviewed the GVA Viability Report for the Council. This independent review commented that the approved Lansdowne scheme as a whole (ie the combined development of the 3 sites) is undeliverable and it therefore requires some amendment in order to remain deliverable. In particular, it indicates that whilst a supply of office accommodation remains important and a key objective of the development plan, the market should not be swamped. It goes on to state that in this instance the delivery of over 23,000sqm of office floor space in such a short period of time, under one planning application, constitutes an over-supply.
27. BPS advise that this can be addressed, in part, by either removing linkages between the sites or by updating the term of the linkage agreement by delaying the completion of Site 2. Overall, the review confirms that the approved scheme for the Holdenhurst Road site is unviable and undeliverable on its own, and that even when Sites 1 and 3 have been factored into the assessment, so as to cross-subsidise the Holdenhurst Road scheme, it remains undeliverable.
28. The appellant has made it clear that insofar as it is concerned, this is the nub of these appeal cases – its own advisers, and advisers for the Council, both confirm that the Holdenhurst Road scheme, as approved is not viable. Because of this the appellant has further indicated that this Holdenhurst part of the overall scheme will not and cannot happen – regardless of the outcome of these appeals.
29. The appellant also takes support from another fairly recent appeal decision relating to a nearby site at 37-39 Oxford Road⁸, which gave approval to a proposal to erect a 16 storey block of student accommodation on a currently vacant site used as a surface car park. As this site also lies within the designated Lansdowne Employment Area the proposal was subject to consideration under CS Policy CS8 – but being purely for student accommodation there was no dispute between the parties in that appeal that it was in conflict with this policy. However, the appellant in that case argued that Policy CS8 was incapable of being complied with, because of viability concerns, and this view found favour with that Inspector.
30. I note, from this earlier appeal decision, that there was an expectation from the Inspector who examined the CS that Policy CS8 should be monitored to ensure that vacant land in this sustainable location is used effectively. The Inspector in the 37-39 Oxford Road appeal commented that he had not been made aware of any review of the effectiveness of Policy CS8, and I find myself in a similar position. Indeed, this earlier decision indicates that a review of the CS is unlikely to be adopted until July 2019, stated to be some 3 years after the CS Inspector recommended that a review should take place.
31. This earlier decision also highlights the content of paragraph 22 of the NPPF, which indicates that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, and also makes it plain that land allocations should be regularly reviewed. It goes on to state that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

⁸ Appeal Ref APP/G1250/W/16/3159914

32. These points are of relevance, because they reinforce the appellant's argument that Policy CS8 cannot carry full weight as it was framed and adopted over 5 years ago, in a climate of considerable confidence about the future of the Lansdowne area and its ability to attract and accommodate substantial Grade A office-related development. It is the appellant's case that that confidence is now dented, and this appears to be borne out by the Marketing Report referred to earlier. I find it telling that in this 37-39 Oxford Road case the Inspector cites the Council as accepting that a policy compliant mix of uses at that site would not be viable.
33. In its Appeal Statement for the current appeals the Council makes reference to this earlier appeal decision, but argues that it does not set any precedent for future planning applications or appeals. It is of course the case that any proposal has to be assessed on its own planning merits, and I acknowledge that this earlier appeal differed from the current case in that it was a stand-alone proposal for a single site, whereas the proposal before me was put forward initially as a policy-compliant, combined development scheme spread over 3 sites.
34. It does, however, show that in the opinion of that Inspector, faced with the facts of that case, a totally non policy-compliant proposal would only result in limited harm to the strategy for the Lansdowne Area. It is also apparent, from the Planning Board Report which recommended approval of the live-work scheme referred to earlier, that the Council considered the 37-39 Oxford Road appeal decision to be a material planning consideration to which it ought to have regard, in reaching a decision on the live-work proposal.
35. Concerns about viability played an important role in this live-work decision and to my mind, notwithstanding the Council's view that viability is just one consideration amongst others, it is a key factor in the current appeals. The simple fact of the matter is that time has moved on since the original planning permission was granted, and regardless of any viability considerations which were relied on at that time, the clear evidence before me now from the appellant – and indeed supported by BPS as independent viability consultants for the Council – is that the approved scheme for Holdenhurst Road is not viable and not deliverable.
36. Viability and deliverability are important considerations in the NPPF, with paragraph 160 explaining that local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. Amongst other things they are advised to work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability. The fact that, to date, there has been no review of Policy CS8 raises doubts as to whether it is still reliably able to guide development within the Lansdowne Area.
37. In addition, paragraph 173 of the NPPF, entitled "Ensuring viability and deliverability", states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. It goes on to explain that to ensure viability, the costs of any requirements likely to be applied to development should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
38. Changes in costs and values can, of course, have an impact on viability and deliverability, as detailed in the Planning Practice Guidance (PPG). This indicates that although viability assessment in decision-taking should be based on current costs and values, with planning applications being considered in today's

circumstances, changes in the value of development and changes in costs of delivery may be considered where a scheme requires phased delivery over the medium and longer term⁹. This is the situation that exists here, but there is nothing in the Council's Appeal Statement to indicate that it has had any meaningful regard to the up-to-date viability appraisal undertaken by GVA, or its independent review by the Council's own consultants, BPS.

39. The Council appears to have refused planning permission for Application B – at least in part – because it has taken the view that there is clearly some viability on Site 2 to deliver a scheme containing a significant amount of Class B1 work and office space, as evidenced by the live-work permission granted¹⁰ under ref 7-2017-2187-X. But this does not go to the heart of the matter in these appeal cases, which is that the approved scheme has been shown to be not viable. The Council accepts as much in the Planning Board Report for the aforementioned live-work scheme.
40. In brief, this report compares the overall mix of uses on the 3 sites in the approved scheme with the live-work proposal, and concludes that a reduction of some 2,070sqm of Class B1 floorspace on the Holdenhurst Road site, along with the provision of 147 flats to ensure Site 2 remains viable and deliverable, would be acceptable. That said, the resulting mix would not be Policy CS8 compliant. This tells me that whether the original scheme was CS8 compliant – or only “broadly” compliant (as the Council now contends) – there are circumstances in which the Council is prepared to accept a development on this site that is not compliant with Policy CS8. Moreover, granting planning permission for the live-work scheme gives rise to a complication, as it could not be implemented without placing the appellant in breach of condition 5 on the originally approved scheme which is the subject of these appeals.
41. The Council's reason for refusal also contends that allowing these appeals would be contrary to the aims of paragraph 23 of the NPPF which, amongst other things, require local planning authorities to allocate a range of suitable sites to meet the scale and type of office development needed in town centres. But as already noted, paragraph 22 of the NPPF requires land allocations to be regularly reviewed, something which the Council does not appear to have done.
42. I note from the 37-39 Oxford Road appeal decision that the Council referred to that site as a “key Class B1 site”, although the Inspector noted that the site was not the subject of any specific development allocation which might support this asserted status. The same situation arises in the current appeals, with the Council asserting in its Appeal Statement that the Oxford Road and Christchurch Road sites are key sites within the designated Lansdowne Area, but neither these, nor the Holdenhurst Road site, have been specifically designated as such. As the appellant says, all of these sites simply fall within a blanket policy covering the entirety of the Lansdowne area.
43. On a final, related point, I have had regard to the Council's claim that the act of de-linking Site 2 from Site 1 would not only render the original scheme non-policy compliant, but would also result in the loss of 2 key employment sites (Oxford Road and Christchurch Road) from within the designated Lansdowne Employment Area. The Council maintains that these sites could come forward for redevelopment in the future with a policy compliant mix of uses, ie principally

⁹ Paragraph: 017 Reference ID: 10-017-20140306

¹⁰ subject to the completion of a S106 Agreement

Class B1 or tertiary teaching (Class D1) led. However, these criticisms ring hollow, when compared to the situation the Council found acceptable with the live-work scheme, detailed above. In any case, development is already well under way on Sites 1 and 3, as noted earlier, and both contain significant amounts of Class B1/D1 floorspace. As such, the Council's criticisms on this point can carry little weight.

44. Taking all the above points into account, I conclude that whilst varying condition 5 to allow the de-linking of development on Sites 1 and 2 would not strictly accord with CS Policy CS8, it would not have an unacceptable adverse impact on the development plan's strategy for the Lansdowne area of the town centre.

Other matters

45. I have noted an objection made by an interested person who indicates that his business is sited directly opposite the proposed development at Unit 1, 44 Holdenhurst Road. However, this objection is somewhat ambiguous and does not appear to directly relate to the subject matter of these appeals. Rather, it criticises the height and impact of the development proposed, but does not specify what development is being referred to. As such, this objection can carry little weight in these appeals.
46. A signed and completed Deed of Variation (DOV), dated 21 March 2018 has been submitted, to vary the S106 Agreement dated 26 November 2015, in order to reflect the fact that the parties with an interest in the land have changed since the original S106 Agreement was signed. I have had regard to this DOV in coming to my decisions.

Summary and overall conclusions

47. Drawing all the above points together, I accept that the proposal to de-link the development on Sites 1 and 2 could render the overall scheme at odds with a strict reading of CS Policy CS8. However, like the appellant, I consider that there must be some doubt as to whether this policy is fully consistent with the NPPF. It has not been reviewed, as recommended by the CS Inspector and, in my assessment, the viability and marketing evidence put forward raises some questions as to whether Policy CS8 would reasonably achieve the NPPF's aims of ensuring the vitality of town centres.
48. Moreover, the clear evidence before me is that the approved scheme for the Holdenhurst Road site is not viable and will not be built. In these circumstances, to retain condition 5 on the original planning permission would serve no sensible or practical purpose, but would simply thwart any more viable propositions for this site – such as the live-work proposal already granted planning permission by the Council. As such, I consider that these clear viability concerns represent material considerations of sufficient weight to cause me to determine these appeals other than in accordance with the development plan.
49. I therefore intend to allow these appeals, and vary condition 5 of planning permission ref 7-2015-2187-O as requested by the appellant.
50. Both parties agree that in these circumstances, consequent amendments to reflect this de-linking are also needed to conditions 6, 25, 28, 31 and 32 of this original permission. These changes are not contentious, and I agree that all are necessary. I have therefore amended these conditions in the attached Schedule, as agreed between the parties. Furthermore, the guidance in the PPG makes clear

that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged¹¹. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.

51. In so doing, I have amended the list of plan numbers, in accordance with information supplied by the appellant and not disputed by the Council. I have also repeated the Council's reasons for the imposition of each of the conditions in the attached Schedule, with the exception of condition 5, which is the main subject of these appeals. The reason for this varied condition is to secure a phasing schedule to ensure the completion of development on Sites 1 and 2, and to secure works on Site 3 up to the underside of the third floor. In the event that some of these conditions have, in fact, been discharged, that is a matter which can be addressed by the parties.
52. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusions.

David Wildsmith

INSPECTOR

¹¹ Paragraph: 031 Reference ID 21a-031-20140306

Schedule of conditions for both Appeal A and Appeal B (37 in total)

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - M5251: 100/P05, 101/P05
 - 2107: 301, 302, 303, 304, 305B, 306, 307, 308, 309, 310, 311B, 312C, 313E, 314C, 315C, 316C, 317D, 326C, 327C, 329D, 330D, 331D, 332D, 333A, 334A, 335D, 336E, 337D, 338C, 339A, 340A, 341A, 343A, 344A, 345B, 346B, 350D, 351B, 352A, 353B, 354A, 355A, 356A, 357A, 358A, 359B, 360A, 361A, 362A, 364B, 365A, 366B, 367C, 368C, 369A, 370A, 371A, 372,, 375, 376A, 377A, 379H, 380J, 381G, 382G, 383G, 384G, 385G, 386G, 387G, 388G, 389G, 390G, 392F, 393F, 394E, 395G, 396B, 397H, 398H, 399G, 400D, 401F, 402A, 403B, 404B, 405A, 406A, 407A, 408B
 - Air Quality Assessment prepared by Wardell Armstrong; March 2015
 - Ambient Noise Assessment prepared by PDA; March 2015
 - Building Regulation Compliance Report prepared by Align; March 2015
 - Daylight and Sunlight Amenity Study prepared by Watts; March 2015
 - Design and Access Statement (including tall building statement) prepared by Manson Architects; March 2015
 - Desk Based Archaeological Assessment prepared by Southampton
 - Archaeology; March 2015
 - Draft Construction Management Plans prepared by the Watkin Jones Group; March 2015
 - Energy Statement prepared by Icen; March 2015
 - Extended Ecological Phase 1 Habitat Survey Report prepared by Greengage; March 2015
 - Flood Risk Assessment Report prepared by Westlakes; March 2015
 - Heritage Statement prepared by Stephen Levrant Heritage Architecture; March 2015
 - Initial Fire Safety Report prepared by Exova and Align; March 2015
 - Interim Travel Plan prepared by ADL; March 2015
 - Landscape, Lighting and Public Realm Design Statement prepared by Gillespies; March 2015
 - Marketing Report prepared by Goadsby; March 2015
 - Market Demand Study Student Accommodation prepared by Knight Frank, which is appended to the Goadsby Marketing Report (see Appendix 3);
 - Phase 1 Geo-Environmental Desk Study Reports prepared by Westlakes; March 2015
 - Statement of Community Involvement prepared by Avril Baker Consultancy; March 2015
 - Student Management Plan prepared by the Watkin Jones Group; March 2015
 - Sustainability Statement (including BREEAM Pre-Assessment) prepared by Icen; March 2015
 - Transport Assessment prepared by ADL; March 2015
 - Travel Plans letter prepared by ADL; 18th August 2015
 - Utilities Statement prepared by CDP; March 2015
 - Ventilation Strategy Report prepared by CDP; March 2015
- Reason:** For the avoidance of doubt and to provide clarity.
- 2) 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 0800 and 1800 Monday - Friday, 0800 and 1400 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 (2012).

- 3) No site clearance or development work on a site forming part of this development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement for that site that includes the following measures:
- a) parking arrangements for operatives and construction vehicles working on-site;
 - b) noise reduction measures [including times of piling operations]; and the
 - c) details and siting of equipment, machinery and surplus materials on the site.

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

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

- 4) The demolition hereby approved shall only be undertaken in one continuous uninterrupted operation for each of the three development sites forming part of this application. For the avoidance of doubt, demolition works for all of the sites does not need to take place at the same time or follow on from demolition works at a different site.

Reason: To prevent premature demolition of the existing building and in accordance with Policies CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 5) Unless an alternative phasing scheme is agreed in writing with the Local Planning Authority, the development will be completed in the following order.
- 1) The development at Site 3 (Christchurch Road) will be the first phase of the development to be constructed and will be completed in its entirety including the construction of the B1/D1 block to shell and core.
 - 2) The development at Site 1 (Oxford Road) will be the second phase of development to be constructed. Before all buildings on Site 3 (Christchurch Road) are completed, as specified above, the construction of the basement car park will have commenced on Site 1 (Oxford Road). For the avoidance of doubt commencement will include all of the following works: demolition of the existing building (Oxford House), excavation of the basement car park and the construction of the structural foundations of the proposed building.
 - 3) Prior to occupation of the student accommodation at Site 1 (Oxford Road), as specified above, the construction of the basement car park and concrete frame will have commenced on Site 2 (Holdenhurst Road). For the avoidance of doubt, commencement will include all of the following works:
 - excavation of the basement; and
 - completion of all concrete frame works from the basement up to the underside of the third floor.

Reason: To secure a phasing schedule for Sites 1 and 2, and to secure works on Site 3 up to the underside of the third floor.

- 6) Details/samples of the materials to be used on a site forming part of this development, as well as the design of the architectural detailing and components for this site, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. 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 (2012).

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or an Order revoking or re-enacting that Order, with or without modification, no telecommunications equipment, as permitted by Part 24 and 25 of Schedule 2 of the Order, shall be constructed without the express written consent of the Local Planning Authority.

Reason: In order to protect the visual amenities of the building and the surrounding area and to preserve the character and appearance of the Conservation Area in accordance with Policies 4.4 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 8) Unless shown on the approved elevational drawings or unless otherwise agreed in writing by the Local Planning Authority beforehand, any pipework (with the exception of rainwater down pipes) shall be internal to the building.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 9) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works for that site shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include: (a) Lighting; (b) Bollards; (c) Seating; (d) Tree grills; (e) Other street furniture; (f) construction and services details in proximity to trees; (g) proposed finished levels and contours, and (h) a timetable for implementation. The approved hard landscape scheme for the site shall be implemented in full prior to the occupation or use of the development at that site commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

- 10) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works for that site shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include: (a) planting plans; (b) existing trees, hedges and shrubs to be retained; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants noting species, plant sizes and proposed numbers/densities; and (e)

programme of implementation. The approved soft landscape scheme for the site shall be implemented in full prior to the occupation or use of the development at that site commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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

- 11) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for that site and for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.

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

- 12) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, details of boundary treatment and/or subdivision for that site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a plan showing: the positions, height, design, and materials. The approved boundary treatment scheme for that site shall be implemented in full prior to occupation or use of the development at that site commencing and permanently retained and maintained 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 (2012).

- 13) Within 9 months of the date of commencement of development at a site forming part of this permission or unless otherwise agreed in writing by the Local Planning Authority, full details of all proposed tree planting for that site, and the proposed times of planting for that site, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree planting scheme shall be carried out in accordance with those details and at those times and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and effective arboricultural management and in accordance with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

- 14) That the use of the non-student accommodation element of the ground, first and second floors of the building on Oxford Road (Site 1) shall be limited to academic purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (Non-residential institution) (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) only and for no other purpose within this Use Class.

Reason: To enable the Local Planning Authority to retain proper control over the development in respect of the demand for on-site car parking and in accordance with Policy CS16 of the Bournemouth Local Plan: Core Strategy (2012).

- 15) The student living accommodation shall be managed and operated in accordance with the details set out in the student management plan report dated March 2015, or such other alternative student management plan as is given prior written approval by the Local Planning Authority.

Reason: In the interest of protecting the residential amenities of the locality in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 16) Prior to occupation of any part of each building on a site and prior to the opening of the new lane linking Oxford Road to Holdenhurst Road, a scheme of lighting for that element of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of that element of the development to which it relates and for the new lane prior to its opening. The scheme of lighting shall be used, maintained and retained thereafter.

Reason: In the interests of public safety and in accordance with Policy 4.26 of the Bournemouth District Wide Local Plan (February 2002).

- 17) The flexible A1, A2, A3, B1, D1, D2 commercial unit measuring 187 square metres in area at ground floor level on Christchurch Road (Site 3) hereby permitted shall not be open to customers outside the following times [0700 hours to 2300 hours], unless otherwise agreed in writing by the Local Planning Authority

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

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

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

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

- 19) Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from the hard

surface to a permeable or porous area or surface within the curtilage of the property, unless otherwise agreed in writing with the Local Planning Authority.

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

Note: Further guidance in this regard is contained in the Department for Communities and Local Government publication entitled "Guidance on the Permeable Surfacing of Front Gardens" (September 2008).

- 20) No development shall take place on a site forming part of this development until arrangements have been made for an archaeological watching brief to take place for that site during any groundworks, in accordance with the details set out in the archaeology desk based assessment prepared by Southampton City Council dated March 2015. Details of those arrangements shall be submitted to and approved in writing by the Local Planning Authority, at least one month before any work commences on that site. The observations and recording shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: The area is of archaeological potential and it is important that any archaeological features and finds are properly recorded and in accordance with Policies CS39 and CS40 of the Bournemouth Local Plan: Core Strategy (2012).

- 21) Prior to occupation of each building the ecological enhancements for that building set out in the extended ecological phase 1 habitat survey report prepared by Greengage Environmental LLP dated March 2015 shall be implemented in accordance with a timetable already agreed in writing with the Local Planning Authority.

Reason: To promote local biodiversity in accordance with paragraph 118 of the NPPF.

- 22) Prior to occupation of each building the sustainability and energy measures for that building set out in the Sustainability and Energy Statements prepared by ICENI Projects Ltd dated March 2015 shall be implemented, maintained and retained thereafter.

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

- 23) The first 4.5 metres of the access crossing and drive shall not exceed a gradient of 1 in 15.

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

- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no vehicular or pedestrian access to or from any site forming part of this development other than those proposed and shown on the approved plans. All existing and previously existing access(es) on a site forming part of this permission shall be closed and the footway and verge (if applicable) reinstated to the specification and satisfaction of the Local Planning Authority prior to occupation of any buildings on the site to

which the works relate, unless otherwise agreed in writing by the Local Planning Authority.

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

- 25) Prior to their installation within the development, details of appropriate Entry and Exit Only signs and markings for that site shall be submitted to and approved in writing by the Local Planning Authority.

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

- 26) Notwithstanding the submitted plans, before the commencement of development at a site forming part of this development, unless otherwise agreed in writing by the Local Planning Authority, details of the specification (a typical cross section of the surfacing is required) of the access and areas for turning at that site, parking for that site including the marking out of spaces, shown on the approved plans for that site shall be submitted to and approved in writing by the Local Planning Authority. The details, for the underground car parks and for the site to which the approval relates, shall be generally in accordance with the technical guidance set out by the Institute of Structural Engineers "design recommendations for multi-storey and underground car parks". These areas and car parks shall be constructed and surfaced in accordance with the approved details and permanently retained and kept available for the residents, occupants, visitors and staff of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 27) A pedestrian inter-visibility splay of 2m x 2m shall be provided on both sides of the egress on to Oxford Road, the depth measured from the back of the footway into the development site and the width of the splays measured outwards from the edge of the access as shown on the approved plan. No fence, wall or other obstruction to visibility over 0.6m in height above ground level shall be erected within the area of the splays at any time.

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

- 28) Prior to the occupation of the Holdenhurst Road development, a detailed Parking Management Plan for that site shall be prepared and submitted for written approval of the Local Planning Authority in conjunction with the Local Highway Authority. The approved Parking Management Plan shall be implemented and complied with upon occupation of the development at that site and the Parking Management Plan for that site shall be permanently retained thereafter.

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

- 29) Prior to commencement of development on a site forming part of this permission, a detailed Construction Management Plan for that site shall be submitted to and approved in writing by the Local Planning Authority acting in conjunction with the Local Highway Authority. The Construction Management Plan shall include safe access to the site for deliveries, loading and unloading of plant and materials and wheel cleansing of vehicles prior to egress from the site onto the public highway. The approved Construction Management Plan shall be implemented and complied with upon commencement of the development at that site and the obligations

within the Construction Management Plan shall be adhered to throughout the construction phase of the development at that site.

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

- 30) Prior to occupation of development on a site forming part of this permission, a detailed Servicing and Deliveries Management Plan for that site shall be prepared, submitted and approved in writing by the Local Planning Authority acting in conjunction with the Local Highway Authority. The approved Service and Deliveries Management Plan shall be implemented and complied with upon occupation of the development at that site and the Service and Deliveries Management Plan shall be permanently retained thereafter.

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

- 31) Notwithstanding the submitted plans, and prior to the occupation of the Holdenhurst Road development, details and amended plans of the proposed cycle parking provision for that site shall be submitted to the Local Planning Authority for approval in writing. The proposed cycle parking provision shall be implemented in accordance with the approved details and permanently retained, maintained and kept available for the residents, occupants and staff of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with policies CS16, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 32) Notwithstanding the submitted plans, and prior to the occupation of the Holdenhurst Road development, details of the car park entry/exit barriers for that site shall be submitted to and approved in writing by the Local Planning Authority. The car park entry/exit barriers for that site shall be implemented on that site in accordance with the approved details and permanently retained, maintained and kept available for the residents, occupants and staff of the development hereby permitted at all times.

Reason: In the interests of highway safety and in accordance with policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 33) Before 50% occupation of the building at Site 2 (on Holdenhurst Road), details of a scheme for the provision of up to 81 off-site car parking spaces within 800 metres of Site 2 of the development shall be submitted to and approved in writing by the Local Planning Authority. The off-site car parking spaces (or part thereof) shall be provided in accordance with the approved scheme. The number of spaces required will be a maximum of 81 at any particular time and the exact figure will be based on the required amount demonstrated by the Travel Plan details and appropriate Travel Plan Surveys at any particular time. Off-site parking will be required only in the event that Site 2 is used for Class B1 office purposes. The off-site car parking spaces shall become available, as and when required prior to the use or occupation of the office floorspace (or part thereof) to which the off-site car parking spaces relate. The scheme shall continue unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policies CS16 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 34) Prior to occupation of the development at Site 1 (Oxford Road) the noise mitigation measures as stated in the Ambient Noise Assessment March 2015

section 5.1.1 shall be implemented in order to meet the internal noise level of 35dB(A) in the daytime (0700-2300) and 30dB(A) in the night time (2300-0700) in accordance with BS8233:2014. Any variation of the detail will require the prior approval by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation/commencement of the use at Site 1 (Oxford Road) and be permanently used, maintained and retained thereafter.

Reason: In order to protect the residential amenities of the occupiers of the proposed dwellings and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 35) Prior to occupation of the student and hotel accommodation of the development at Site 3 (Christchurch Road), the noise mitigation measures as stated in the Ambient Noise Assessment (March 2015) for the student and hotel accommodation shall be implemented in order to meet the internal noise level of 35dB(A) in the daytime (0700-2300) and 30dB(A) in the night time (2300-0700) in accordance with BS8233:2014. Any variation of the detail will require prior written approval by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation/commencement of the use of the element of the development at Site 3 (Christchurch Road) to which it relates and be permanently used, maintained and retained thereafter.

Reason: In order to protect the residential amenities of the occupiers of the proposed dwellings and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

- 36) Before the commencement of the development on a site forming part of this development there shall be submitted to and approved in writing by the Local Planning Authority for that site:
- 1) a site investigation report documenting the ground conditions of the site, and incorporating a "conceptual model" of all potential pollutant linkages, detailing the identified sources, pathways and receptors and basis of risk assessment.
 - 2) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants or gases when the site is developed (if appropriate).
 - 3) a detailed phasing scheme for the development and remedial works (if appropriate).

The approved remediation scheme for a site forming part of this development shall be fully implemented before the development hereby permitted at that site is first occupied. Any variation of the scheme shall be agreed in writing by the Local Planning Authority in advance of works being undertaken. On completion of the works written confirmation shall be provided to the Local Planning Authority that all works for that site were completed in accordance with the agreed details.

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

- 37) Prior to occupation of the student and hotel accommodation of the development at Site 3, an air quality mitigation measures scheme shall be submitted as stated in the Air Quality Assessment March 2015 section 7.2 (prepared by Wardell Armstrong LLP) in order to ensure the future occupiers of the student and hotel accommodation building(s) are not exposed to exceedances of the annual mean NO2 objective. Any variation of the detail of the scheme will require prior written

approval by the LPA. The approved scheme shall be implemented prior to the occupation/commencement of the use of the element of the development at Site 3 (Christchurch Road) to which it relates and be permanently maintained thereafter.

Reason: To protect the amenities of occupiers of the development in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (2012).

End of Schedule