The Planning Inspectorate

Appeal Decision

Hearing held on 21 January 2020
Site visit made on 22 January 2020

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/G1250/W/19/3236083
Richmond Gardens Multistorey Car Park, Richmond Gardens, Bournemouth BH1 1EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Summix RGB Developments Ltd. and Sheet Anchor Evolve (London) Ltd. against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-1179-BE, dated 11 October 2018, was refused by notice dated 22 March 2019.
- The development proposed is erection of a mixed-use development ranging in height between 8-15 storeys, comprising purpose-built student accommodation (Sui Generis) (625 bedrooms), alongside flexible Class A1/A2/A3/Coffee Shop unit (Sui Generis) (totalling 153sqm GIA), with realignment works to existing access road, private car/cycle parking, associated refuse/recycling storage, public realm improvement works and new landscaping (inc. removal/works to existing trees). Works to existing public car park, including installation of ventilation screening, with associated landscaping.

Decision

1. The appeal is allowed and planning permission is granted for erection of a mixed-use development ranging in height between 8-15 storeys, comprising purpose-built student accommodation (Sui Generis) (625 bedrooms), alongside flexible Class A1/A2/A3/Coffee Shop unit (Sui Generis) (totalling 153sqm GIA), with realignment works to existing access road, private car/cycle parking, associated refuse/recycling storage, public realm improvement works and new landscaping (inc. removal/works to existing trees). Works to existing public car park, including installation of ventilation screening, with associated landscaping at Richmond Gardens Multistorey Car Park, Richmond Gardens, Bournemouth BH1 1EN in accordance with the terms of the application, Ref 7-2018-1179-BE, dated 11 October 2018, subject to the attached schedule of 30 conditions.

Procedural Matters

2. It was confirmed at the hearing that there was a discrepancy in the description of development as the Class A1/A2/A3/Coffee Shop unit would be 153m² GIA rather than 175m² GIA. Following the hearing, the appellant confirmed this in writing. The description of development has been altered accordingly.

3. Various documents were provided as late evidence. Document LE1 provides a summary of views taken from application documents. Documents LE2 and LE3 relate to the Council's parking strategy in respect of public car parking spaces.

Document LE4 is a representation from the local Member of Parliament which had not been provided to me. At the hearing, the appellant provided me with Annexes 3 and 4 which, though submitted in a timely manner, had not reached me in advance of the hearing. The Council confirmed that they had received Annexes 3 and 4 which related to ecological matters. I consider that no other parties' interests would be prejudiced by me taking these documents into account in my decision.

4. During the hearing, the appellant submitted two different planning obligations by unilateral undertaking under Section 106 of the Town and Country Planning Act 1990. The unilateral undertakings were signed and executed, dated 21 January 2020, and have been considered as part of the appeal.

Background and Main Issues

5. At the hearing and in statements, an up to 11 storey development comprising a hotel, office and residential uses with an additional deck of car parking to the existing multi-storey car park was discussed, with comparison of this scheme with the proposed development. Although the scheme was approved in 2010 and renewed in 2013[1], it was not implemented and planning permission has lapsed. As such, it does not represent a fallback position and has very limited weight as a material consideration.

6. Policy A19 of the Bournemouth Town Centre Area Action Plan 2013 (TCAAP) allocates the site at Richmond Gardens for a mixed-use scheme primarily comprising in the region of 150 residential units; and a 969 space public car park. Furthermore, the policy states that the car park should have a positive appearance; a strong active front to Richmond Gardens should be provided; trees and surrounding vegetation should be retained; the setting of the Old Christchurch Road Conservation Area (OCRCA) should be respected, and any supporting uses should meet the objectives within the Spatial Strategy.

7. In relation to the requirement for the scheme to be mixed use and primarily residential, the agreed Statement of Common Ground (SOCG) between the main parties considers the principle of student accommodation in this town centre location acceptable. The SOCG discusses the Planning Practice Guidance[2] (PPG) with regard to purpose-built student accommodation (PBSA) releasing other accommodation into the housing market, while the Council's Statement of Case confirms that the proposed development would accord with Policy CS7 of the Bournemouth Local Plan: Core Strategy 2012 (CS) as it confirms that the town centre is an appropriate location for mixed uses, including student accommodation.

8. At the hearing, appropriate assessment fell under other matters. I have elevated it to a main issue. As it was subject to discussion at the hearing and subsequent consultation with Natural England and the main parties, I consider that no parties' interests would be prejudiced by this.

9. The main issues in this decision are therefore:

   a) the effect of the proposed development on the character and appearance of the area, including trees and the Old Christchurch Road Conservation Area;

[1] 7-2009-1179-AP and 7-2013-1179-AW
[2] Paragraph 68-034-20190722

b) the effect of the proposed development on highway safety and parking capacity;

c) whether the proposed development would make appropriate provision for infrastructure needs arising from the development, with particular regard to public realm and highways improvements;

d) the effect of the development on the Dorset Heathlands Special Protection Area (SPA)/Ramsar site and the Dorset Heaths Special Area of Conservation (SAC) and the Solent and Dorset Coast potential SPA (pSPA); and

e) the planning balance.

Reasons

a) Character and appearance

10. Situated in Bournemouth town centre close to the A338 Wessex Way, the site comprises a 7 storey car park and shopping centre and surrounding banked areas with trees and vegetation on the northern, eastern and western sides. Some 21 individual trees and a single group of trees are subject to a 2002 Tree Preservation Order[3] (TPO). The site slopes by some 10 metres north to south, with vehicular access to the car park from the north and to the servicing area for the shopping centre and staff car parking via a service road to the east. The banked areas of landscaping are in poor condition, despite previous clearance for survey work, with refuse strewn beneath the trees surrounding the unprepossessing car park. Given secluded areas due to the difference in levels and tree cover, graffiti, drug use and rough sleeping occurs on site.

11. The site's northern and western boundaries abut Richmond Gardens and Richmond Hill beyond, where development is either commercial or residential, including the modern circular 8 storey Marshall Point office block on Richmond Gardens; and the 6 storey Hill House, the 7-10 storey Nationwide building, and the 13 storey Richmond Gate residential block on Richmond Hill. To the west, Mount Heatherbank is a smaller, older 4 storey residential building, with garages accessed from Richmond Hill, while 10 Richmond Gardens to the north is a 1960s 2 storey structure with residential accommodation at first floor level and parking below.

12. The proposed development comprises 3 blocks of PBSA with 625 student bedrooms along the car park's western, northern and eastern sides. Block A, a 10 storey block, would span the six-lane car park entrance. Linked to Block A, the 10 storey Block B would lie east of the car park entrance. Block C would wrap around the site's northern and eastern sides. It would be 13 – 15 storeys high at its highest point on Richmond Gardens, and would step down by 6 floors towards the south.

Conservation Area

13. Much of the site is located north of OCRCA and behind the Grade II listed Dalkeith Buildings within the OCRCA. Dalkeith Buildings form part of the shopping centre's ground floor access and fall within the red line site boundary.

[3] 657/2002

14. The southern boundary adjoins the rear of Dalkeith Buildings, which forms part of a wider terrace on Old Christchurch Road. The 1890s Dalkeith Buildings is principally brick with eclectic detailing to its tall frontage to Old Christchurch Road. Notwithstanding the modern insertion of a projecting canopy and some variety in shopfront quality, the terrace retains much of its original character and appearance within the OCRCA. Beyond Dalkeith Buildings, part of Horseshoe Common south of the A338 also lies within the OCRCA and forms a pleasant, landscaped, green space with numerous mature trees.

15. The OCRCA's significance is strongly informed by its variety and pattern of development as part of a vigorous and prosperous Victorian seaside town, with large terraces in a range of architectural styles dating from the late 1800s onwards. Roads generally follow the area's varied topography, with Old Christchurch Road rising from the south-west. The terraced buildings have active ground floors with upper floors in residential or commercial use.

16. TCAAP Policy D5 deals with tall buildings in specific locations, including this site, and requires that tall buildings should relate well to their context, including the historic environment and have an acceptable impact on the skyline, amongst other things. The proposed development would be located within the Richmond Hill tall buildings area, where building heights are diverse, with variation from two-storey to 13 storeys close to the site. All three blocks would fall within the Council's definition of tall buildings. As tall buildings at a prominent point in the town centre's topography, the proposed development would be visible from a number of vantage points around the town centre. Though other views are mentioned but not defined, 4 key views are identified by the Council, comprising the A338 in both eastbound and westbound directions; from Wimborne Road approaching Richmond Hill; and from Horseshoe Common and Old Christchurch Road from the east.

17. The proposed development would be viewed with other tall buildings at Richmond Hill from the east and west on the A338 and from Wimborne Road travelling south. While the proposed development would be visible in these views, it would be neither harmful nor overly dominant in its context.

18. Views towards the site from Horseshoe Common and Old Christchurch Road within the OCRCA currently contain the wider terrace which includes Dalkeith Buildings, and neighbouring two-storey The Slug and Lettuce public house in the foreground, with trees within the site emerging behind. These features contribute positively to the OCRCA. Above the trees and the lower buildings, the top three floors and the roof of the Marshall Point building is clearly visible, while the Nationwide Building and Richmond Gate are visible to a lesser extent.

19. Block C would be stepped in height above the Dalkeith Buildings and The Slug and Lettuce public house and retained trees within the site. Given that the buildings in the foreground are lower in storey height and topographically, Block C would inevitably alter the view from Horseshoe Common and Old Christchurch Road and would obscure existing views of Marshall Point, the Nationwide building and Richmond Gate. Given its additional height, it would appear more dominant in this view than the existing buildings on site. However, as the OCRCA is varied in nature and it is already possible to view tall buildings from this viewpoint, I find that the effect would be limited and that it would not harm the OCRCA's significance. As such, the proposed development

would comply with TCAAP Policy D5 in respect of tall buildings and TCAAP Policy A19 in terms of respecting the OCRCA's setting.

Design Considerations

20. The Council, the South West Design Review Panel (SWDRP), the Bournemouth Civic Society and local residents raised concerns about the height, scale and massing of the proposed development fronting Richmond Gardens. The proposed development was amended after it was seen by the SWDRP and Block A was reduced by one storey, while Block C was reduced by 2-3 storeys and has a smaller top 2 floors. These amendments were subject to public consultation prior to the determination of the application.

21. It would undoubtedly form a series of large and tall buildings and would occupy much of the site's Richmond Gardens frontage. However, its height, scale and massing would vary and would be articulated by the separation of the different blocks, a mixed palette of materials, building heights and design treatments. This would take account of features present within the site's context and would provide a number of separate buildings along Richmond Gardens which would not be overbearing or dominant in an area which is already home to tall buildings. With the different entrances to Blocks A, B and C, the mixture of uses, and the retention of the car park entrance, a sufficiently strong active front would be provided to Richmond Gardens to meet TCAAP Policy A19.

22. Block A would maintain the car park's access, while screening the car park and addressing Richmond Gardens with a curved, glazed façade. Although it would be relatively thin on the western corner, it makes the best of its site-specific circumstances. The visual effect of this constrained corner is reduced by the manner in which Block A has been designed to be deeper on its western edge.

23. Block C would effectively address the site's topography, screen the car park, and step down toward the lower buildings on Old Christchurch Road. Furthermore, its bulk and mass would be broken up by the proposed design treatments of the different parts of the block and their varied heights and architectural treatments. Despite its mass, I consider that it would not be overly dominant and overbearing in this location.

24. The site is part of the Richmond Hill character area within the Bournemouth Town Centre Development Design Guide Supplementary Planning Document 2015 (BTCDDG), which supports TCAAP Policy D3. TCAAP Policy D3 defines character areas and requires development to respect and improve the town centre's character. The BTCDDG refers to materials, windows, detailing and entrances within the character area. Materials within the character area and close to the OCRCA are mixed, with brick, render, and stone, and significant glazing to more modern commercial buildings. There is fenestration of different designs and proportions locally, though some of the buildings have a greater horizontal emphasis.

25. The proposed development would use red and buff brick, render, glazing and cladding, which would be restricted by condition requiring details and samples of materials to be approved by the Council to ensure an appropriate finish. Although the proposed development's fenestration would be repetitive, resulting from its floorplan, it would be relieved by cladding between windows and different façade treatments. Furthermore, surrounding commercial and residential buildings exhibit a high level of repetition in their fenestration. The

proposed fenestration to Blocks A and C stresses horizontal and vertical emphasis respectively, due to the proposed blocks' different widths and heights. It is not in itself harmful, given the more horizontal emphasis of nearby buildings and the more vertically emphasised Marshall Point. Indeed, Block A seeks to address Richmond Gardens' corner with a curve to provide visual interest and also steps in at the top with a smaller two-storey corner with different fenestration from the lower floors. Overall, I consider that the proposed development would be in keeping with the area's character and appearance in this respect and would meet the BTCDDG's requirements.

Trees and landscaping

26. There is extensive tree planting and vegetation surrounding the car park. Some trees are protected by a TPO, though the Council recognises that not all trees on site are worthy of protection. Of the 105 individual trees or tree groups identified in the appellant's arboricultural assessment, 57 individual trees or tree groups would be felled, including Pines and a Holm Oak on Richmond Gardens, and part of one tree group would be removed. Many of these trees are of low quality, although 17 Category B trees would be removed.

27. Due to the banked areas' width, the proposed development would offer less tree cover than at present and would only retain existing trees on the areas not being covered by built form. In addition to providing new trees and terraced planting along its northern side, the proposed development would provide an underplanted wildflower meadow beneath retained trees, a vertical planting system on the car park, and planting to Block C's private courtyard area.

28. The BTCDDG refers to positive features in the Richmond Hill character area as including the large amount of landscaping and mature tree cover which gives many buildings a degree of seclusion from the streets, and the importance of retaining trees which make a positive contribution.

29. Beyond their screening function for the car park, a number of the trees are in poor condition. Furthermore, the Council acknowledges that if the principle of development is to be accepted, this would result in the loss of existing trees. As the site is subject to a site allocation for mixed-use development, including around 150 residential units and provision of a 969 space car park, it appears to me that the principle of development has been accepted by the Council and that this would essentially result in a reduction in the site's tree cover. The trees to the eastern and western boundaries would predominantly be retained and the appellant proposes new trees along the site's northern side. The size, type and siting of trees would be addressed through the soft landscaping condition to ensure that they would be appropriate for the site conditions.

30. The proposed landscaping would physically and visually integrate the proposed development with its surroundings. The site would retain sufficient tree cover to accord with the BTCDDG's requirements and the proposed development would not be harmful to the area's character and appearance in this regard. Furthermore, I consider that it would meet the requirements of Policy 4.25 of the Bournemouth District Wide Local Plan 2002 (LP) for planting and landscaping. In respect of TCAAP Policy A19, the proposed development would retain some trees and landscaping and would also introduce replacement landscaping and trees. Given the site's constrained nature, I consider on balance that this policy requirement is met.

Intensity of use

31. The site's intensity of use was introduced latterly through the Council's statement of case. According to the Council's assessment of the appellant's Student Demand Study, some 16 PBSA schemes have come forward within Central ward, giving rise to approximately 5,000 students in PBSA which forms around 36% of the ward's population. The proposed development would contribute a further 625 students to the ward's student population.

32. The proposed development would undoubtedly alter the intensity of the site's use and change the level of activity in the surrounding area through the day and night. Given the site's current use and degraded condition, the proposed PBSA would not be more negative in its effect on the area's character and appearance than the existing use and would not cause harm. This would comply with CS Policy CS21, which requires development to maintain and enhance the neighbourhood's character and function and to contribute to achieving a sustainable community. It would accord with LP Policy 5.35 which addresses the effect of student development on an area's character, amongst other things.

Conclusion on character and appearance

33. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area, including trees and the Old Christchurch Road Conservation Area. It would be compliant with CS Policies CS7, CS21 and CS41; TCAAP Policies D4, D5 and A19; LP Policies 4.25 and 5.35; and the BTCDDG. Furthermore, the proposed development would accord with sections 12 and 16 of the National Planning Policy Framework (the Framework) on achieving well-designed places and conserving and enhancing the historic environment. Requirements of CS Policy CS21; TCAAP Policies D5 and A19; LP Policies 4.25 and 5.35; and the BTCDDG are set out above. CS Policy CS7 requires that development should maintain or enhance the town centre's heritage and environmental characteristics, while CS Policy CS41 and TCAAP Policy D4 address design quality.

b) Highway safety and parking capacity

Highway safety

34. The site lies approximately 1km from the Bournemouth University Lansdowne Campus (BULC) and around 2.5km from the co-located Bournemouth University Talbot Campus (BUTC) and Arts University Bournemouth. The site is within a controlled parking area and is in an accessible location close to services and facilities, within easy walking distance of Bournemouth railway station. Bus stops at St Peter's Road and Old Christchurch Road are within 150m of the site.

35. North of the A338, there are streets without parking restrictions and/or with restrictions limiting parking to cars and motorcycles only. The Council and local residents are concerned that areas of unrestricted parking fall within 400m walking distance via the underpasses under the A338 and that students would park cars in these areas, giving rise to inconsiderate parking on the public highway and the risk of blocking visibility splays, dropped kerbs, and footways. This would lead to annoyance and inconvenience for local residents.

36. CS Policy CS41 requires, amongst other things, that development should contribute positively to the public realm's appearance and safety and enhance the amenities of neighbouring residents. CS Policy CS16, though not included in the Council's reason for refusal, states that parking provision for new development shall accord with the Council's adopted parking standards.

37. The Bournemouth Parking Supplementary Planning Document 2014 (BPSPD) sets out parking standards. For student accommodation in C2 Halls of Residence, it does not require parking spaces to be provided for student occupiers, but does require a space per 1 full-time equivalent member of staff or for visitors. For Sui Generis uses including Halls of Residence, the BPSPD refers to the aforementioned requirement for C2 Halls of Residence. It does not differentiate between privately developed PBSA and PBSA co-located with an educational institution.

38. The Council considers that there is a crucial distinction between privately developed PBSA located off campus and C2 Halls of Residence. However, this inference is not made by the BPSPD. As such, I can see no specific policy requirement for the provision of car parking, beyond staff parking provision.

39. The proposed development would provide 6 parking spaces on site for use by staff and disabled students. Students would be restricted from bringing a car to Bournemouth by means of their tenancy agreement. There was discussion during the hearing about how this matter would be enforced. The essentially car-free nature of such development is highlighted to a prospective occupier prior to signing the tenancy agreement. Additionally, the PBSA provider engages with occupiers and with local residents in identifying instances where cars are being parked locally. In the event that problems occur with unauthorised parking, sanctions can include termination of tenancy. In terms of car parking for student arrival at and departure from the proposed development, the staff and disabled parking spaces and two spaces in the proposed servicing layby would be used within these periods. The public car park could also be used by students, their families, and friends.

40. Not only do students have low car ownership rates, but there is also very limited access to parking on the university campuses, with only disabled students having access to university parking permits. For students, typically in their late teens and early twenties, the university campuses would be within reasonable walking and cycling distance. There would also be good access to public transport, including the UNIBUS which travels to BUTC. While Go South Coast has requested conditions or planning obligations to secure promotion of the use of the UNIBUS services, including a UNIBUS annual pass as part of the accommodation fee package /travel plan and increased frequency of service for an appropriate bus service such as the U4, this has not been justified by the bus operator or the Council.

41. The approved PBSA at Holdenhurst Road and Oxford Road[4] are closer to BULC, and there are extensive parking controls and bus passes provided for students living in those developments. However, the proposed development is also in a

[4] 7-2015-751-S at 130-138 Holdenhurst Road and 7-2015-2187-O at 13-19 Oxford Road/24 Christchurch Road/35 Holdenhurst Road.

town centre location, with access to bus services and would not be sited so far from the campuses that it would be impossible for students to walk or cycle.

42. Anecdotal evidence of parking issues in the Winton and Lansdowne areas was raised, but no documentary evidence was provided to indicate parking stress in these locations or that students are contributing to these issues. With regard to Census data introduced verbally at the hearing, it did not specifically address PBSA and it would not therefore be directly relevant.

43. Though I note concern about under-reporting of parking obstruction incidents, the data reported to the Police is between five and nine years old and it is unclear what the circumstances of the limited number of obstructions north of the site were and how they would be directly relevant.

44. I note the Council's concerns about the appellant's approach to surveying the surrounding area in terms of parking stress, including identification of illegally parked vehicles, the length of parking bays and spaces, and the exclusion of Bodorgan Road from the survey. However, the survey exceeds the minimum requirement of 100m in the Council's Parking Survey and Assessment Note 2011 and the 200m walking distance generally applied in such surveys[5]. When I visited Bodorgan Road, I observed that as for other nearby streets within the survey, there is limited available on-street parking capacity. Any illegal parking would be an enforcement issue.

45. Given the limited available on-street parking capacity to the north coupled with the journey through the unwelcoming A338 underpass; campus parking restrictions; and alternative means of transport available, I consider it unlikely that students living in the proposed development would keep a car locally. Although there may be additional comings and goings from the proposed development, in the form of pick up and drop off, servicing of the small commercial unit, deliveries and taxi trips, these are likely to be limited in number. As such, they would not pose risk to highway safety or to residents' quality of life.

46. While there would be increased footfall from the proposed development, the improved frontage to Richmond Gardens, landscaping enhancements adjacent to Dalkeith Lane, and car-free nature of the proposed development would enhance the pedestrian experience in the area surrounding the car park.

47. Concluding on this part of the main issue, I find that the level of parking provision for the proposed development would not harm highway safety. It would accord with CS Policies CS16 and CS41, the BPSPD and with paragraphs 102 and 108 of the Framework. Paragraph 102 recognises that transport issues should be considered from the earliest stages of development proposals, so that opportunities to promote walking, cycling and public transport use are pursued. Paragraph 108 states that development should ensure that appropriate opportunities to promote sustainable transport modes can be taken up; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

[5] Lambeth Parking Survey Methodology

Parking capacity

48. Though not cited in the reason for refusal, TCAAP Policy T7 requires implementation of a town centre parking strategy, with off-street capacity of 6,400 public car parking spaces, while TCAAP Policy T8 sets out public parking locations and future provision to meet Policy T7's requirement, including 969 spaces at Richmond Gardens car park. TCAAP Policy A19 also requires 969 spaces. The existing car park provides 875 parking spaces, where it previously provided 935 parking spaces. This reduction resulted from the Council re-marking spaces and providing disabled spaces. The parties' agreed baseline figure is 935 parking spaces with an expected uplift of 34 spaces, bridging the difference between previous provision and the policy requirement.

49. Document LE3 refers to scope for increasing the car park's capacity by inserting an additional deck of parking and that a planning application has demonstrated the possibility of this. However, this permission has now lapsed. Notwithstanding this, document LE3 identifies that the large car park should be retained due to its accessible location and role for shopping, and that there is scope to increase the number of spaces.

50. The car park would be retained and there would be no change in the number of spaces. During the application process, the main parties discussed introducing a further car parking deck. It is unknown whether structural strengthening would be necessary to allow for construction. Notwithstanding the lack of information on structural issues, I have sympathy with the appellant's view that at least £1.02 million towards additional parking would be unreasonable as car parking is not required for PBSA occupiers.

51. The Council seeks to retain a considerable number of public parking spaces in the town centre, involving the loss of smaller car parks and the retention, enlargement and refurbishment of larger car parks. The Council was not able to provide a clear indication of progress in implementing the parking strategy at the hearing. Additionally, documents LE2 and LE3 and the appellant's evidence indicate that car park usage fluctuates through the year and that the car park reaches capacity on only a few occasions around Christmas and at the time of the Bournemouth Air Show. As the car park is rarely full and the additional 34 spaces would comprise less than a percent of overall town centre provision, it appears unlikely that there would be any harm to public car parking provision if 34 additional spaces were not provided.

52. In conclusion on this part of the main issue, given that the proposed development would not be expected to provide parking for its occupiers; the uncertainty surrounding provision; the limited shortfall in spaces; and demand for parking, I find that the proposed development would not have a negative effect on parking capacity. While there would be conflict with TCAAP Policies A19, T7 and T8, I give limited weight to this conflict for the above reasons.

c) Provision for infrastructure needs arising from the development

53. In addressing the provision of adequate financial provision for infrastructure improvements, two signed and executed planning obligations by unilateral undertaking were submitted. The first unilateral undertaking (Version 1) provides for financial contributions towards local biodiversity projects; CCTV provision; public realm improvements to Old Christchurch Road; and highway works under Section 278 of the Highways Act 1980. The second unilateral

undertaking (Version 2) provides for all the aforementioned contributions and works and for two disputed provisions relating to car club contributions and public realm improvements to Yelverton Road, Albert Road, and Post Office Road and the south section of Richmond Hill.

54. It is necessary to assess the planning obligations against the three tests outlined in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and paragraph 55 of the Framework.

Undisputed contributions

55. With regard to a contribution of £10,900 towards local biodiversity projects in Versions 1 and 2, as tree cover on site would be reduced and the Framework at paragraph 170 requires development to minimise impacts on and provide net gains for biodiversity, the contribution would meet the relevant tests.

56. The proposed CCTV contribution of £60,000 in Versions 1 and 2 would provide for new CCTV cameras around the site. Due to a lack of natural surveillance, the site does not feel particularly safe or secure, as noted by the Council and local residents and as experienced during my site visit. This situation worsens at night when nearby commercial properties are not in use. Given the likely increase in population, the CCTV contribution would meet the relevant tests.

57. Part of the proposed public realm improvements in Versions 1 and 2 comprises a contribution of £13,200 to address a likely increase in pedestrian trips on Old Christchurch Road. A programme of public realm enhancements in this area to promote walking has been costed at £1.2 million. Given the proximity of the site to Old Christchurch Road and the likely increase in footfall, the contribution of £13,200 would meet the relevant tests.

58. Both Versions 1 and 2 refer to highway mitigation works under Section 278 of the Highways Act 1980, which include a range of highways enhancements for pedestrians and cyclists. Given the proximity of the site to Richmond Gardens, Richmond Hill, Dalkeith Lane and Dean Park Crescent and the likely increase in pedestrian and cycle movements in these locations, I consider that the aforementioned highway works would meet the relevant tests.

Car club contribution

59. With regard to the proposed car club contribution in Version 2, £84,240 is sought for the cost of three vehicles for three years. The Council confirmed at the hearing that car club contributions on Richmond Hill have been secured for another development. The Council seeks an equivalent sum of monies for the provision of town centre car parking spaces or public realm improvements within 350m of the site. While recognising that students may use car club provision and that this form of transport can reduce car ownership and car parking, there is no specified car club scheme which this contribution would provide for. In the absence of such a scheme, the proposed car club contribution would not be directly related to the development. It would therefore fail to meet the relevant tests.

Public realm contribution: Yelverton Road; Albert Road; and Post Office Road and the south section of Richmond Hill

60. In the event a financial contribution was made towards car parking space provision, the Council could not confirm where parking spaces could be

provided. The Council instead sought a financial contribution towards public realm improvements in the locality.

61. The proposed public realm improvements included only in Version 2 consists of a contribution of some 65% of the cost of works to Yelverton Road (£400,000); Albert Road (£350,000); and Post Office Road and the South section of Richmond Hill (£450,000). Based on 65% of the total, £780,000 would be used to improve the public realm in those streets, extending existing public realm improvements at Beale Place. There is limited scope to provide public car parking spaces on those streets, which contain disabled spaces and loading bays. The public realm works would comprise streetscape improvements.

62. When questioned on this point at the hearing, the Council confirmed that there was no direct link between the proposed public realm improvements and public car parking space provision. I take little comfort from the Council spending monies in kind on public car parking in an unspecified location at an unspecified point in time, as this would not be secured in any meaningful way. Planning obligations must only be sought where they meet all of the aforementioned tests. In this instance, I find that the proposed public realm improvements contribution of £780,000 would not be directly related to the development and would therefore fail to meet the tests.

Conclusion on provision for infrastructure needs arising from the development

63. In summary, I have taken into account the contributions towards local biodiversity projects; CCTV provision; public realm improvements to Old Christchurch Road; and a range of highway works under Section 278 of the Highways Act 1980 in Versions 1 and 2 as they meet the required tests in the CIL Regulations and the Framework. I have not taken into account the car club contributions and public realm improvements to Yelverton Road, Albert Road, and Post Office Road and the south section of Richmond Hill in Version 2 and have not afforded these provisions any weight. The car club contributions and public realm improvements to Yelverton Road, Albert Road, and Post Office Road and the south section of Richmond Hill would therefore not constitute a reason for granting planning permission.

64. Concluding on this main issue, the proposed development would make appropriate provision for infrastructure needs arising from the development, with particular reference to public realm and highways improvements. Accordingly, it would be compliant with TCAAP policies T6 and D7. TCAAP Policies T6 and D7 seek contributions towards highways improvements schemes, with Policy D7 primarily focussed on public realm improvements.

d) Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and the Solent and Dorset Coast potential SPA

65. The site lies approximately 2km from the nearest point of the complex of designated European sites of the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC. The SPA and SAC are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017.

66. The Dorset Heathlands SPA is considered to be of European importance as it supports breeding populations of Dartford warbler *Sylvia undata*; Nightjar *Caprimulgus europaeus;* and Woodlark *Lullala arborea*, and over-wintering

populations of Hen harrier *Circus cyaneus*, and Merlin *Falco columbarius*. The Dorset Heaths SAC covers an extensive complex of heaths with dry heath, wet heath and acid mire vegetation types and a high diversity of associated habitats, including acid grassland, sand dune, and acid oak woods, and the presence of Southern damselfly *Coenagrion mercurial*. The Dorset Heathlands Ramsar site is of importance due to its aforementioned mix of habitat types, and nationally rare and nationally scarce plant and invertebrate species.

67. The site also lies some 700m from the Solent and Dorset Coast potential SPA (pSPA). The pSPA has not yet been designated, but should be dealt with as if it has been designated. Its potential importance as an area of coastal water relates to its foraging opportunities and supporting habitat for three species of tern which nest at coastal sites.

68. As confirmed by a judgment[6] in the Court of Justice of the European Union, the decision-maker is required, when considering the effect that a proposal might have on a European Site, to consider avoidance and reduction measures through an Appropriate Assessment rather than at the screening stage.

69. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015 – 2020 (adopted 2016) states at paragraph 3.4 that private student accommodation of no class (Sui Generis) i.e. accommodation that is not managed by a university or run on their behalf by an accommodation provider is likely to have the same effect on the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC as additional residential development. The SPD indicates that additional residential development is likely to have a significant adverse effect upon the European sites, either alone or in combination with other developments. Appendix I of the SPD also states that there may be an increased risk which is associated with Sui Generis private sector managed units, arising due to changes in the type of occupants within these developments compared to facilities on a campus.

70. As the site is within the Zone of Influence of European Sites and comprises Sui Generis PBSA, the proposed development could have a variety of effects on the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and Solent and Dorset Coast pSPA primarily through increased recreational pressure. Having regard to the representations made by Natural England (NE) and the provisions of the Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document (DHPFSPD), I consider that there remains a probability or risk that the proposed development, in combination with other plans or projects, could have a likely significant effect on the designated European sites of the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and the Solent and Dorset Coast pSPA. I am therefore required to carry out an appropriate assessment.

71. It is necessary for me to consider whether any potential effects could be mitigated. In their consultation response of 31 January 2020, NE confirmed that the heathlands are subject to significant monitoring and to date no significant adverse effects have arisen on the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and that additional students on the Bournemouth beaches would not be likely to prevent birds from foraging in the summer months within the Solent and Dorset Coast pSPA.

[6] People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244.

72. Notwithstanding this, the appellant, the Council and NE consider that any likely significant effects can be managed via a mitigation measure as a planning condition restricting the use of the development to student accommodation only and requiring the occupiers not to keep pets. As the mitigation measure would not be integral to the proposed development, it would need to be secured by condition enforceable from the point of occupation. Despite the description of development, NE has expressed concerns that the absence of such a condition could result in the premises being occupied by tourists, families with dependents (including pets), or other non-students. As the mitigation measure would be reliant on enforcement action as a backstop, the condition would include a biannual requirement for the management company to confirm in writing to the Council that the occupancy conforms to the condition.

73. Subject to this condition, I consider that the mitigation measures would avoid the proposed development having a likely significant effect on the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and the Solent and Dorset Coast pSPA.

74. Concluding on this main issue, the proposed development would therefore accord with the DHPFSPD, CS Policy CS33, and paragraph 175 of the Framework in avoiding significant harm to the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and the Solent and Dorset Coast pSPA. CS Policy CS33 seeks to ensure that the integrity of the Dorset Heathlands are not harmed.

Other matters

75. Interested parties have raised concerns about the effect of the proposed development on outlook, light, and privacy for offices at Marshall Point and for residents of Mount Heatherbank, Richmond Gate, and the Citrus Building adjacent to Horseshoe Common. Marshall Point would lie north of the proposed development, where the proposed development would shadow the lower parts of the building at certain times of the day and year. However, given Marshall Point's rounded and glazed design and the separation distance of approximately 22 metres between it and the proposed development, outlook, light and privacy would remain reasonable for occupiers of Marshall Point.

76. The nearest point of Block A proposed would be approximately 19 metres from the closest part of Mount Heatherbank. Given the positioning of the buildings, the proposed development would not detrimentally affect privacy, outlook or light for residents at Mount Heatherbank. As Richmond Gate lies some 55-60 metres from the proposed location of the closest corner of Block A and the flats closest to the proposed development have mainly south or south east facing views from windows and balconies, the proposed development would not be likely to detrimentally affect outlook, privacy or light for the residents of Richmond Gate. The Citrus Building is located east of the site and would be further away from the proposed development across Horseshoe Common than Richmond Gate, Mount Heatherbank, and Marshall Point. As such, it would not be likely to negatively affect light to the residential units in the Citrus Building.

77. With regard to the effect of the proposed development on property values, the PPG[7] confirms that the courts have generally taken the view that planning is concerned with land use in the public interest, so that protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. Local residents have raised concerns about the loss of private views of the sunrise, and over the town towards the sea and the Isle of Wight. However, views from private property do not normally fall within consideration of the wider public interest.

78. Concern has been expressed that students would generate noise, disturbance, littering, pollution, and anti-social behaviour. The appeal site is a town centre location with multiple routes to and from local facilities. As such, there is no reason to suppose that students would congregate in a particular location. Occupation of the accommodation would be subject to a Student Management Plan. The submitted Student Management Plan includes measures such as a 24 hour on-site presence including office staff during office hours and security staff outside office hours, secure building entry and CCTV, a community liaison and complaints procedure, and an obligation on occupants to respect the right of adjoining residents to a quiet life and to behave accordingly. With these measures in place, I consider that the proposal would not lead to noise or anti-social behaviour which would be harmful to the living and working conditions of occupiers of nearby residential and commercial properties.

79. The energy and sustainability measures for the proposed development, including combined heat and power, air source heat pumps, green roofs, and the aim to achieve BREEAM 'very good', would meet the requirements of CS Policy CS2. As such, there is no policy requirement for the development to be carbon neutral. Any noise from air source heat pumps would be addressed by condition. Based on the limited evidence before me, water pressure is a matter to be addressed by the local water company in the first instance.

80. Although there are concerns about the amount of student accommodation coming forward and its effect on businesses and residents, and Bournemouth as a place and as a tourist destination, the town centre is identified as a location where student accommodation is an appropriate use. While Brexit may have an effect on student numbers and affordable housing may be needed in Bournemouth, I am required to deal with the appeal on its own merits.

81. In the event of issues with dust or rat infestations during construction, this would be a matter for Environmental Health. With regard to the neutrality of the air quality assessment, it is standard practice for an applicant or appellant to produce a range of assessments as part of a planning application.

e) Planning Balance

82. The proposed development would not have a harmful effect on the character and appearance of the area, including trees and the Old Christchurch Road Conservation Area. Additionally, it would not harm highway safety and it would make appropriate provision for infrastructure needs arising from the development, with particular reference to public realm and highways improvements. Furthermore, it would avoid any likely significant effect on the Dorset Heathlands SPA/Ramsar Site and Dorset Heaths SAC and the Solent and

[7] Paragraph 21b-008-20140306.

Dorset Coast pSPA. There would be conflict with TCAAP Policies T7, T8 and A19 in respect of parking capacity. However, for the reasons given above, I give limited weight to this conflict.

83. With regard to other material considerations, there would be a range of benefits, including the provision of PBSA to meet an identified and specialised demand; the potential release of up to 156 houses of multiple occupation on to the market as family homes; townscape and public realm improvements of screening the car park and enhancing the surrounding pedestrian and cycle provision; improvements in safety, natural surveillance and increased footfall; provision of a landscaping strategy and management plan which could reduce anti-social behaviour on a challenging site; generation of jobs during construction; and increased local expenditure from occupiers of the PBSA.

84. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Although there is conflict with TCAAP Policies T7, T8, and A19 in this particular instance, there are significant and important material considerations which indicate that development should be allowed; and thereby justify making a decision not in accordance with the development plan.

85. I note that the main parties have addressed the lack of five-year housing land supply in Bournemouth and whether the policies most important for determining the appeal are out-of-date. However, given my findings on the main issues, I have not considered this matter any further.

Conditions

86. I have considered the conditions in light of the PPG and the Framework. I have reworded some conditions in the interests of clarity and consistency. The appellant agreed to the pre-commencement conditions and the time limit for development condition in writing after the hearing closed. Numbers in brackets refer to condition numbers. The reasoning for condition 23 is set out above with regard to appropriate assessment.

87. It is necessary to specify conditions confirming the time limit for development (1) and approved plans (2) to ensure clarity and certainty. However, condition 2 excludes part of plan A(PL)150 Rev. P1 as it is not consistent with A9PL) 107 Rev. P3. It is also necessary to require approval of materials (7), pipework (8), and hard and soft landscaping (10 and 11), and to restrict any additional louvres, grills or canopies (28) in the interests of visual amenity. Condition 11 would also enhance biodiversity. Bearing in mind the importance of biodiversity and visual amenity, I have also required provision of swift bricks (12) and protection of retained trees (21).

88. Conditions 3 – 6 are pre-commencement conditions as they should be addressed before construction works begin. The conditions requiring provision of a phasing scheme (3), Construction Method Statement (4), and a Servicing and Refuse Management Plan (15); and restricting hours of working during demolition and construction (29), are necessary to safeguard the living conditions of nearby residential occupiers and to ensure highway safety. To ensure the implementation of appropriate drainage and thereby ensure no detrimental effects on local drainage, conditions 5 and 22 have been imposed.

In order to ensure the safety of future occupiers, it is necessary to have a condition addressing land contamination (6).

89. To preserve ventilation to the existing car park and ensure privacy for future PBSA occupiers, Condition 9 is necessary to ensure that detailed specifications for ventilation openings are suitable. I have attached conditions on noise (19) and air quality (20) in the interests of the future occupier's living conditions. To ensure the living conditions of future occupiers and neighbouring occupiers, I have restricted the opening hours of the Block C courtyard, except for access (24), and have restricted the opening hours and extraction requirements for the flexible Class A1/A2/A3/Coffee Shop unit (25 and 26).

90. Given the importance of sustainable design and construction, I have imposed a condition on measures within the Energy and Sustainability Statement (17). In supporting access by sustainable modes of transport and ensuring that the proposed development would not have adverse effects on highway safety and on the living conditions of neighbouring occupiers, I have also imposed conditions requiring a Travel Plan (13), Student Parking Management Plan (14), cycle storage (16), Student Management Plan (18); and restricting parking on the service road (27). To ensure the safety and security of future occupiers, I have restricted access via the fire exit to Core C2 to emergency use only (30).

Conclusion

91. For the above reasons, and having had regard to all other matters raised, the appeal is allowed.

Joanna Gilbert

INSPECTOR

SCHEDULE OF 30 CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: A (PL)101 Rev. P1; A (PL) 102 Rev. P1; A(PL)103 Rev. P3; A(PL)104 Rev. P3; A(PL)105 Rev. P2; A(PL)106 Rev. P2; A(PL)107 Rev. P3; A(PL)108 Rev. P2; A(PL)109 Rev. P1; A(PL)110 Rev. P1; A(PL)111 Rev. P3; A(PL)112 Rev. P2; A(PL)113 Rev. P2; A(PL)114 Rev. P2; A(PL)115 Rev. P2; A(PL)118 Rev. P2; A(PL)120 Rev. P2;A (PL)150 Rev. P1; A(PL)151 Rev. P1; A(PL)201 Rev. P2; A(PL)202 Rev. P2; A(PL)203 Rev. P2; A(PL)401 Rev. P3; A(PL)402 Rev. P3; A(PL)403 Rev. P3; A(PL)404 Rev. P1; A(PL)405 Rev. P2; A(PL)406 Rev. P2; A(PL)471 Rev. P1; A(PL)472 Rev. P1; A(PL)473 Rev. P2; A(PL)480 Rev. P2; P16-0231_07 Rev. H; P16-0231_08 Rev. D; P16-0231_09 Rev. C; P16-0231_10 Rev. B; P16-0231_11 Rev. C; P16-0231_12 Rev. C; P16-0231_18 Rev. C; P16-0231_22; P16-0231_23; P16-0231_24; P16-0231_25, except for the "commercial/retail unit 2 67sqm" shown on plan A (PL)150 Rev. P1.

3) No development shall take place until a scheme for the phasing of the development to be carried out in successive stages, has been submitted to and approved in writing by the Local Planning Authority, and each stage shall be substantially completed before the next stage of the development is commenced unless previously agreed in writing with the Local Planning Authority. The scheme shall ensure that no site clearance is undertaken unless it can be demonstrated that it is essential to allow the detailed construction to progress and that adequate site screening and hoardings are in place.

4) No site clearance or development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement should include the following measures:
   a) parking arrangements for operatives and construction vehicles working on-site;
   b) arrangements for 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;
   c) noise reduction measures [including times of piling operations];
   d) details and siting of equipment, machinery and surplus materials on the site;
   e) development timetable including any road or car park closure times or necessary periods of longer working hours.

   The approved Construction Method Statement shall be implemented and adhered to throughout the construction phase of the development.

5) No development shall take place until a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), has been 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 the development in accordance with the phasing strategy. The scheme shall include the following as appropriate:
   a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. 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 sections, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required);
   d) Implementation of alternative sustainable drainage initiatives.

6) No development shall take place until a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include:
   a) A 'desk study' report documenting the site history;
   b) 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;

c) 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);
d) A detailed phasing scheme for the development and remedial works (if appropriate).

Any variation of the scheme shall be agreed in writing by the Local Planning Authority in advance of works being undertaken. The development shall not be occupied until any previously approved remediation scheme have been carried out and a validation report confirming completion of these works for the relevant phase of development has been submitted to and approved in writing by the Local Planning Authority.

7) Prior to the commencement of any superstructure works on site, details and samples of the materials to be used in the development; including the render, cladding, brickwork, balcony finishes, glazing, window/doors, window reveal detail, and the detailed design of these components and any other materials or architectural detailing to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

8) Prior to the commencement of any superstructure works on site, a scheme for external pipe work and flues shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved scheme and unless shown on the approved elevation drawings any pipe work (with the exception of rainwater down-pipes) shall be internal to the buildings.

9) The additional car park ventilation openings shall be installed in full prior to the commencement of construction of Block C of the approved development as shown on plan A(PL)203 Rev. P2 and in accordance with details of materials and detailed specifications to be first submitted to and approved in writing by the Local Planning Authority.

10) Within six months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall follow the design principles set out in the approved drawings and 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;
h) boundary treatments;
i) surfacing materials; and
j) a timetable for implementation.

The approved hard landscape scheme shall be implemented in full prior to the occupation of the development commencing and retained thereafter.

11) Within six months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall follow the design principles set out in the approved drawings and 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;
    e) Programme of implementation; and
    f) Maintenance plan for a minimum period of 5 years.
    The approved soft landscape scheme shall be implemented in full, including all tree planting, within the first planting season after the first date of occupation/use of the development commencing and retained thereafter.

12) Within six months of the commencement of the development, details of biodiversity enhancements to include approximately 40 swift bricks built into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the development and retained thereafter.

13) Prior to occupation of the development, a detailed Travel Plan shall be prepared in accordance with current best practice and guidance and submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. The approved Travel Plan and obligations therein shall be implemented and complied with upon occupation of the development, and the Travel Plan shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

14) Prior to occupation of the development, a detailed Student Parking Management Plan (SPMP) shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. The approved SPMP and obligations therein shall be implemented and complied with on occupation of the development, and the SPMP shall be retained thereafter. The SPMP shall be reviewed by the management company in conjunction with the Local Planning Authority on an annual basis.

15) Prior to occupation of the development, a Servicing and Refuse Management Plan (SRMP) shall be submitted to and approved in writing by the Local Planning Authority. The SRMP shall include:
    a) details of how banksmen will be employed to ensure public safety when servicing vehicles are reversing;
    b) details of the type and size of vehicles used;
    c) details of the management company to be set up;
    d) the employment of a private contractor to collect the refuse;
    e) measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and
    f) that bins will not be stored in the open or at the collection point apart from on the day of collection.

The SRMP shall be carried out in accordance with the approved details prior to the occupation of the development and retained thereafter.

16) Prior to occupation of the development, 32 visitor cycle parking spaces and a cycle store for 246 cycles, which must include a 1100mm wide access door to the service road, shall be erected as shown on the approved plans and thereafter be retained, maintained and kept available for the occupants and visitors of the development at all times.

17) The development shall be carried out in accordance with the sustainability and energy measures set out in the Energy Statement prepared by Brooks Development dated 11 September 2018 prior to the occupation of the development and retained thereafter. Within six months of first occupation of the development, confirmation of implementation of the measures set out in the Energy Statement shall be submitted to and approved in writing by the Local Planning Authority.

18) The Student Management Plan dated 25 September 2018 shall be implemented on first occupation of the approved development and thereafter retained for the duration of the use hereby approved.

19) All residential units shall be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

The impact of building services (plant and deliveries etc) on the proposed habitable rooms should meet the following criteria:

- An upper internal level of NR 30dB Leq during the daytime (07:00 – 23:00)
- An upper internal level of NR 25dB Leq during the night time (23:00 - 07:00)

The mechanical ventilation systems serving the habitable rooms shall be designed, specified and installed to achieve the following internal noise levels:

- An upper internal level of NR 30dB Leq during the daytime (07:00 – 23:00)
- An upper internal level of NR 25dB Leq during the night time (23:00 - 07:00)

The glazing types and ventilation specifications shall be installed in accordance with the 'Glazing and Ventilation Zones' table 5, specified in paragraph 5 of *24 Acoustics technical Report: R6848-1 Rev 1.* Particular reference should be made to the acoustic zones and correlating glazing / ventilation types as specified in *24 Acoustics technical Report: R6848-1 Rev 1.* The glazing configurations shall meet the following criteria:

- Glazing Type GL1 (47dB Rw): 16.8mm Insulight /16mm cavity/16.8mm Insulight
- Glazing Type GL2 (36 dB Rw): 6 mm glass / 12 mm air cavity / 6.4 mm laminated

- Glazing Type GL3 (33 dB Rw): 6 mm glass / 12 mm air cavity / 6 mm glass

The ventilation units shall meet the following criteria:
- Ventilation Type V1 (38 dB Dn,e,w);
- Ventilation Type V2 (33 dB Dn,e,w).

Prior to the occupation of development, a report confirming that the glazing and ventilation systems have been installed and are meeting the required noise reduction, together with any additional mitigation measures if required, shall be submitted to and approved in writing by the Local Planning Authority.

20) Prior to occupation of the development, an air quality mitigation measures scheme shall be submitted in order to ensure that future occupiers of the building(s) are not exposed to exceedances of the annual mean NO2 objective, taking particular account of the impact of the existing car park on occupiers of the development. The approved scheme shall be implemented prior to the occupation of development and be permanently maintained thereafter.

21) The tree protection measures as detailed in the arboricultural method statement dated 6 March 2019 (Ref 17093-AA2-PB and associated plans TS17-114L\1 Rev P and P16-0231_07H) prepared by Barrell Tree Consultancy shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

22) 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.

23) The student accommodation hereby permitted shall be used as residential accommodation for students only. The development shall not be used for any other purpose, including any use within Classes C1, C3 or C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order. Occupants of the accommodation will not be permitted to own pets.

The management company will provide a written report to the Local Planning Authority on a biannual basis to confirm that ongoing occupation conforms with these requirements.

24) The external amenity area (Block C Courtyard) hereby permitted shall only be used between the hours 0700 and 2200, save for the purposes of access/egress.

25) The flexible A1, A2 or A3 commercial unit measuring 153sqm on the ground floor of Block A hereby permitted shall only be open to customers between 0700 and 2300.

26) Any food served within an A3 use of the ground floor commercial unit shall be limited to that which does not require primary cooking on the premises, unless a detailed scheme for extraction including specification for odour control and

noise mitigation has been submitted to and approved in writing by the Local Planning Authority.

27) No vehicular parking shall be permitted on or adjacent to the private service road except in designated spaces shown on the approved plans.

28) There shall be no louvres, grills or canopies installed to windows or the façade of the buildings except as shown on the approved plans.

29) 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 1300 Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

30) The door to the rear of Block C marked 'Fire Exit' from Core C2 shall be used for maintenance and emergency access only and not for general use by occupants.

APPEARANCES

FOR THE APPELLANT:

John Litton QC	Landmark Chambers
Ben Dawson	Curtins
Jacob Hepworth-Bell	Ecology Solutions
Henry Courtier	Pegasus Group
Claire Gayle	Pegasus Group
Jeremy Peachey	Pegasus Group
Jim Tarzey BA (Hons) MRTPI	Pegasus Group
Barry Rankin	Summix RGB Developments Ltd.
Stuart Black	Summix RGB Developments Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Tom Hubbard MRTPI	Bournemouth Christchurch Poole Council
Nick Helps MILT MRTPI	Bournemouth Christchurch Poole Council
Nick Jackson	Bournemouth Christchurch Poole Council
Catherine Miles MRTPI	Bournemouth Christchurch Poole Council

INTERESTED PARTIES:

Carol Gantner	Local resident
Michael Headon	Local resident
Yasmin Da Silva	Local resident
Michael Nutter	Local resident

DOCUMENTS PROVIDED AT THE HEARING

- LE1: Summary of views of site from Design Review Panel presentation June 2018, Design and Access Statement September 2018, and Design and Access Statement Addendum February 2019

- LE2: Bournemouth: Town Centre and Lansdowne Parking Strategy and Parking Study, Part A – Parking Strategy 2006
- LE3: Bournemouth Town Centre Area Action Plan – Public off street car parking distribution Background paper Draft July 2011
- LE4: Email from Conor Burns MP to Bournemouth Borough Council dated 18 March 2019
- Annex 3 Ecological Assessment September 2019
- Annex 4 Information to enable a Habitats Regulations Assessment of the impacts on the Dorset Heathlands Special Protection Area and Ramsar site And the Dorset Heaths Special Area Of Conservation pursuant to Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) September 2019
- Signed and executed unilateral undertaking Version 1 dated 21 January 2020
- Signed and executed unilateral undertaking Version 2 dated 21 January 2020

DOCUMENTS PROVIDED AFTER THE HEARING

- Appellant's consent to pre-commencement conditions
- Letter from Natural England regarding appropriate assessment, dated 31 January 2020
- Appellant's response regarding Natural England's letter dated 31 January 2020
- Council's response regarding Natural England's letter dated 31 January 2020