

Application No.	8/17/0763			Delegated	
Location:	Land at Jesmond Avenue, Highcliffe, CHRISTCHURCH BH23 4JS				
Proposal:	Outline consent for development of up to 35 residential dwellings (Class C3 use) and a residential nursing/care home (Class C2 use) of up to 68 beds, access and realigned footpath.				
Case Officer:	Robert Thain				
Last Comment Date:	15/12/2017		Statutory Expiry Date:	19/4/2017	
Objections:	193	Support:	4	Comments:	6

1.0 DESCRIPTION OF SITE

1.01 The application site is located in the settlement of Highcliffe north of the A337 Lymington Road. The application site is approximately 1.27ha in size, has an irregular shape and comprises part of a larger area of mature woodland located between the A337 and existing residential areas to the north. An existing hard surface footpath within the application site provides pedestrian access between Lymington Road and the residential road 'Greenways'. There are no known existing permanent buildings or structures within the application site.

1.02 The application site essentially forms a wooded transitional area between the A337 and residential areas to the north. Lymington Road is the main route between Christchurch and coastal settlements to the east and in the area adjacent to the application site is characterised by mature trees and residential rear boundary treatments. Where there are frontage buildings these are often health or community uses sited in large detached buildings. To the east of application site boundary parallel to Lymington Road the character notably changes to that of a district centre. The area to the north of the application site is residential and predominantly characterised by large, post-war bungalows set well back from the road in open and generously sized plots.

2.0 PROPOSAL

2.01 The proposal has been amended since the application was originally submitted. The amended Outline proposal is for the development of the site for up to 35 residential dwellings (Class C3 use), a nursing/care home (Class C2 use) of up to 68 beds (1360m² internal floorspace), three access routes and realigned footpath. The amendments submitted result in an overall reduction (5 dwellings) to that originally proposed and change the housing mix to introduce smaller (1 and 2 bedroom) dwellings. The outstanding matters (appearance, landscaping, layout and scale) are therefore reserved.

2.02 An amended Indicative Site Layout (ISL) was submitted on 9 November 2017 (Drawing Nos: 2969-P-05L). The proposal is considered with this iteration of the ISL. The following amended documents and plans were also received in conjunction with the amended description of the proposal:-

- Indicative Site Layout (Ref: 2969-P-05L)
- Proposed Drainage Strategy (Ref: 80270-02 Rev. B)

- Arboricultural Report & Tree Protection Plan (Treecall Consulting Ltd, 25 August 2017)
- Flood Risk Assessment (FRA) inc. Appendices A to K (Such, Salinger, Peters, October 2017)
- Drainage Strategy Report (Such, Salinger, Peters, October 2017)
- Site Sections (Ref: 2969-P07/08/09)

2.03 The ISL sets out that proposed care home would be located in the south-west of the application site parallel to the A337. Vehicular access to the care home would be formed from an extension to 'Greenways' approximate to the footprint of the existing pedestrian route which connects through the site to the A337. A private drive accessing surface vehicular parking and amenity space would be provided in the residual area around the footprint of the care home building. The ISL indicatively sets out that the proposed care home building would be 4 storeys high and have 19 vehicular parking spaces.

2.04 Sited between the proposed care home and the nearest existing dwelling to the north (61 Greenways) would be building comprising 4 one-bedroom flats. The residual quantum of residential dwellings (up to 31 dwellings) would be provided on the remainder of the application site to the east of the proposed vehicular access to the care home. The residential development would be served by three vehicular accesses: the extension to Greenways (as set out in paragraph 2.03 above) and two shared surface accesses sites opposite the properties at 8 and 12 Jesmond Avenue respectively.

2.05 The ISL indicatively sets out the following mix of housing:-

Size	Typology	Floorspace	Number
4 bed (6 person)	Detached House	141.5m ²	1
4 bed (5 person)	Semi-detached/Terraced House	91.2m ²	6
4 bed (4 person)	Semi-detached/Terraced House	90.9m ²	9
3 bed (4 person)	Semi-detached/Terraced House	90.9m ²	7
2 bed (4 person)	Flat	69.0 m ²	2
2 bed (3 person)	Flat	60.0 m ²	6
1 bed (2 person)	Flat	47.0 m ²	4
Total			<u>35</u>

2.06 The ISL indicatively sets out that each of the proposed 35 residential dwellings would be allocated one surface vehicular parking space, with the exception of one detached dwelling (unit 35) which would be afforded two parking spaces.

3.0 RELEVANT PLANNING CONSTRAINTS

- 3.1 Tree Preservation Orders
 Green Corridor
 Flood Risk: Fluvial Flood Zone 2
 Flood Risk: Surface Water Flooding
 Heathland 5km zone

4.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) provides national planning guidance on sustainable transport (paragraphs 29-41), housing (paragraphs 47-55), design (paragraphs 56-68), flood risk (paragraphs 93-108) and the natural environment (paragraphs 109-125). The national Planning Practice Guidance (PPG) is a website based resource which provides further detailed national planning policy guidance.

Development Plan

Christchurch and East Dorset Core Strategy 2014 policies:-

- KS1: Presumption in Favour of Sustainable Development
- KS11: Transport and Development
- KS12: Parking Provision
- ME1: Safeguarding Biodiversity and Geodiversity
- ME2: Protection of the Dorset Heathlands
- ME3: Sustainable Development Standards for New Development
- ME6: Flood Management, Mitigation and Defence
- HE2: Design of New Development
- HE3: Landscape Quality
- LN1: The Size and Type of New Dwellings
- LN2: Design, Layout and Density of New Housing Development
- LN3: Provision of Affordable Housing
- LN6: Housing and Accommodation Proposals for Vulnerable People
- LN7: Community Facilities and Services

Christchurch Borough Local Plan policies:-

- ENV5: Drainage and new development
- ENV6: Connection of development to mains system
- ENV15: Protection of green corridors

Supplementary Planning Documents

Christchurch and East Dorset Housing and Affordable Housing Supplementary Planning Document April 2014.

Dorset Heathland Planning Framework Supplementary Planning Document (2015-2020)
Christchurch Borough-wide Character Assessment (2003)

5.0 LOCAL REPRESENTATIONS

- 5.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 26/4/2017 with an expiry date for consultation of 19/5/2017.

5.02 A further public consultation was carried out between 9/11/2017 and 2/12/2017 following amendments to the proposals and the submission of the following amended documents plans:-

- Indicative Site Layout (Ref: 2969-P-05L)
- Proposed Drainage Strategy (Ref: 80270-02 Rev. B)
- Arboricultural Report & Tree Protection Plan (Treecall Consulting Ltd, 25 August 2017)
- Flood Risk Assessment (FRA) inc. Appendices A to K (Such, Salinger, Peters, October 2017)
- Drainage Strategy Report (Such, Salinger, Peters, October 2017)
- Site Sections (Ref: 2969-P07/08/09)

5.03 203 representations have been received with 4 in support, 6 commenting and 193 objecting. A significant number of representors have made multiple representations. Where the same individual or organisation made more than representation these have been treated as one representation.

5.04 The representations raised the following relevant issues:

Objection:

- Loss of trees
- Flood risk
- Density too high & over-development
- Loss of visual amenity and impact on local character
- Impact on green corridor
- Impact on wildlife including protected species
- Proposed height and scale of care home
- Impact of additional traffic and vehicular parking on local roads
- Impact on local infrastructure (schools, medical)
- Impact on residential amenity
- Inadequate vehicular parking on-site and refuse vehicle access
- Impact of construction vehicles
- Should have vehicular access from Lymington Road
- No need for care home
- Not sustainable
- Pollution and noise
- Application site is in the Green Belt
- Building houses across watercourse
- Impact on property values
- Bat and reptile surveys not updated
- Realignment of existing footpath
- Inaccuracies in submission documents
- Impact on setting of listed buildings
- Covenants
- Impact on property values

6.0 CONSULTATIONS

6.1 Responses from 14 consultees have been received.

Statutory Consultees

6.2 Environment Agency

Two responses have been received from the Environment Agency (EA) (dated 26/5/2017 and 6/12/2017). The latter response maintains the objection on flood risk grounds for the following reasons:-

- The EA are not satisfied that the evidence submitted within the Flood Risk Assessment (FRA) (Such Salinger Peters) and supporting information adequately assesses flood risk or therefore adequately demonstrates that the development would not be at risk from flooding or that flood risk would not be increased elsewhere as a result of the development, and as such does not meet the requirements of the NPPF;
- The proposal is required to locate the Main River culvert extents and that development within 4 metres would not be acceptable; this has not been addressed within the current FRA;
- The site is at risk from surface water flooding which should also be addressed within the updated FRA; and
- Floodplain compensation would need to meet EA requirements and be within the red line boundary of the site. Where acceptable in principle the EA would require 'direct' or 'level-for-level' compensation and would not accept 'indirect' compensation schemes. Excavating 'ponds' within the floodplain, as proposed, is an example of an indirect scheme due to lack of hydraulic connectivity with the floodplain/watercourse throughout the hydrograph

6.3 Natural England

Natural England object to the proposal for the following reasons:-

- The proposal has failed to take fully into account the sensitive nature of the location
- Insufficient detail in consideration of the likely effects of the proposal on the biodiversity features on the site
- No provision of a suitable corridor linking through to Chewton Common
- Contrary to a number of LPA policies
- The number of residential units proposed is inappropriate to allow consistency with the need to conserve ancient trees
- LPA should not accept mature trees within the curtilage of properties given subsequent pressure to remove or cut back
- No agreed Biodiversity Management Plan

A letter from Natural England and supporting layout plan (Drawing No: 2969-P-05G) which indicates (blue hatched line) an acceptable biodiversity corridor was forwarded to the LPA by the planning agent on 30 January 2018.

Dorset County Council

6.4 Flood Risk

Dorset County Council object to the proposal for the following reasons:-

- Agreement from the owner/operator of the culverted Main River/surface water sewer for the proposed connection does not appear to have been sought or obtained;
- It has not been established or accepted that the culverted Main River has sufficient capacity for the proposed connection and regulated discharge of surface water;
- The proposed incorporation of a pumped discharge into a receiving system has inherent risks (i.e. failure) therefore exceedance scenarios and the routing of potential overland flows needs to be carefully considered. The indicative exceedance routing shown on the plan provided appears to show flows simply leaving the site in the direction of existing properties. In the absence of further qualification this would appear to offer
- Relevant mapping of (theoretical) surface water flooding suggests a pronounced risk to the north/north eastern and south-western portions of the site

6.5 Highways

No objection subject to suitable conditions.

6.6 Natural Environment Team

This application triggers the criteria of the Dorset Biodiversity Appraisal scheme and as such an approved Biodiversity Mitigation Plan (BMP) should accompany the application. It is our advice that the application should not be determined until a BMP and approval certificate are made available to the local planning authority. I note that an initial ecological assessment was carried out in 2015. This is out of date and should be updated. The 2015 survey identified a number of protected species and European Protected Species interests and these should subject to more detailed surveys. The results of these surveys can then be used to inform the BMP which should include a suite of enhancements and on-site compensation measures.

6.7 Planning Obligations Manager

No specific s106 requirement on the development.

Christchurch and East Dorset Partnership

6.8 Environmental Health

No objection subject to suitable conditions related to land contamination, construction management, noise impact assessments and odour abatement systems.

6.9 Housing

Detailed Comments on revised layout for planning application 8/17/0763/OUT were received on 13/12/2017.

The application is for 35 dwellings (C3 class use) and a Residential Care facility (C2 use class). The C2 use class units will be subject to Affordable Housing requirement in accordance with Policy LN3 of the 2014 Core Strategy. The Planning Policy Manager has confirmed that that the "up to 40%" urban policy aspiration for Affordable Housing should apply to this site, rather than the "up to 50%" greenfield/new neighbourhood policy aspiration. It should be noted however that this was not done on the basis that the site was a Brownfield site - which it clearly is not. Rather this reflects the unusual circumstances of the site which restrict development potential - or the alternative (now discounted) that the development would require a bespoke SANG, probably on third party land. On this basis, it is considered that the 40% target is more realistic.

The previous layout had a number of issues with regard to the appropriateness of the Affordable Housing offer. The revised plans propose a mix of 3 and 4 bed semi-detached houses, two blocks of one and two bed flats and a detached four bed house, plus the care home. The revised size mix is potentially more attuned to the Council's affordable housing priorities, but it would be preferable to include some two bed houses as larger units may be unaffordable for local households. The Council's needs with regard to tenure type and size are set out below.

Current housing Register data bear out the SHMA by showing a high demand for one and two bedroom affordable units.

The Council will require a mix of bedroom sizes for the affordable housing units more in line with the evidenced housing need and that includes both one and two bedroom units. It is proposed that the shared ownership units would be more appropriate as 2 bed houses. The flatted units could be suitable for one and two-bed affordable rented.

The Council's published tenure mix requirement, based on the affordability requirements of households in housing need as assessed by the SHMA is for 70% of affordable units to be affordable or social rented and up to 30% intermediate (ideally shared ownership). Starter Homes remain problematic as it is still unclear how this tenure will work in practice and how it can meet the current requirement in the NPPF for Affordable Housing to be available to eligible local households and affordable in perpetuity.

The Council's Housing and Affordable Housing SDP is clear that "Developments must be designed to mix and integrate affordable and market housing, meaning that affordable homes will be appropriately clustered in dispersed small groups; that external design will be 'tenure blind' – making it impossible to distinguish between tenures – and unless explicitly agreed to the contrary, the proportionate mix of houses and flats will be similar for both market and affordable housing." If the majority of the affordable units are to be in the apartments it is important that these are indistinguishable in style and quality to the market units.

The Council's Housing and Affordable Housing SDP sets out requirements to meet the needs of vulnerable households. Where developments provide 10 or more units of affordable housing on site they are expected to incorporate a minimum of 10% for households that require specially adapted or supported housing. This would comprise at least one unit (1.6) and we would welcome further discussion with the applicant and future Registered Provider of the affordable homes with regard to the most appropriate target group for this unit and potential design features/management arrangements. At a minimum we will require the unit/s to be designed to part M(4) Category 2: Accessible and adaptable dwellings.

If the applicant offers the policy compliant amount and tenure mix for the affordable housing and this is secured by legal agreement, then there may be no need to refer the scheme for viability assessment. However, if the applicant intends to diverge from the policy compliant requirements on the basis of viability it would be necessary for them to submit a RICS compliant financial appraisal that the Council will then subject to viability assessment by the Valuation Office Agency. This will seek to identify the viable level of affordable housing based on the policy mix of 70% affordable rented, 30% shared ownership. Any divergence from this mix proposed at Outline or RM stage would have to be expressly agreed by the Council and the implications for viability reassessed/calculated so that the any change in value as a result of the alternative affordable housing mix is captured in affordable

housing contribution. The process for agreeing detailed tenure/size mix of the affordable housing at RM stage should be set out in the legal agreement.

6.10 Planning Policy

Clearly this is a critical issue in terms of the level of affordable housing. I know the application site and I am not aware of any permanent structures that have previously been on the site so I am inclined to say its 'greenfield'.

Designations: The site is a 'greenfield' site, and is covered by three policy designations dating from the Christchurch Borough Local Plan 2001. These are a reservation of land for a cemetery (Saved Policy CF7), A Site of Nature Conservation Importance (Policy ME1), and a Wildlife Corridor (Saved Policy ENV 15).

In terms of the principle of development, the cemetery reservation is not now required, and the wildlife corridor designation was an old local designation whose ecological basis is rather uncertain. These two designations are not now considered prejudicial to development. The Site of Importance for Nature Conservation is protected under Policy ME1 of the Core Strategy. The applicants were previously advised to undertake an ecological site survey and to consult Natural England/Dorset Wildlife Trust regarding this part of the site, and it appears that the outcome of this has been that the development does not extend to this part of the site.

In principle therefore, there is not policy reason to refuse development of this extent on the site. In terms of detail, the development is of a size not requiring SANG, so Heathland Mitigation should be dealt with through CIL and SAMM payments in the usual way.

Affordable housing is required as part of the development, and this should be on-site and policy compliant with Policy LN3. The Housing Enabling Team Leader should comment on any details of provision. In previous pre-application discussions, I had accepted that the "up to 40%" urban policy aspiration should apply to this site, rather than the "up to 50%" greenfield/new neighbourhood policy aspiration.

It should be noted however that this was not done on the basis that the site was a Brownfield site -which it clearly is not. Rather this reflects the unusual circumstances of the site which restrict development potential - or the alternative (now discounted) that the development would require a bespoke SANG, probably on third party land. On this basis, viability of affordable housing at up to 50% would be very marginal, and it is considered that the 40% target is more realistic.

6.11 Tree Officer

I am disappointed that the layout appears to have been drawn up with total disregard to basic site constraints, principally levels and trees/vegetation. I consider that should such a layout, where numbers seem to be the overarching consideration, be implemented it would result in the clear felling of much of the site, destroying its character. I do not consider that the trees marked for retention could be realistically retained. There will be not only direct loss of trees from building but indirect longer term pressure, to fell/prune for acceptable living conditions, that could not be realistically defended. Further, given the intensity of the proposed development there is little opportunity for planting within the site to compensate for the substantial proposed loss of trees. Whilst I believe that it would be possible to develop the site, in a more sympathetic and creative way, I am unable to support application 8/17/0762/OUT for the reasons above.

Other Consultees

6.12 Dorset Wildlife Trust

Dorset Wildlife Trust (DWT) objects to this proposal. As stated in our previous response (24th May 2017) the site on which the development is proposed forms part of an important green corridor allowing the movement of wildlife and linking the Sites of Nature Conservation Interest of Chewton Common to the east and Nea Meadows SNCI to the west. This area is designated as a 'green corridor' in the adopted (2001) Christchurch Local Plan (now the Christchurch and East Dorset Proposals Map). It is also now clearly marked as a 'wildlife corridor' on the Ecological Network Maps produced by the Dorset Local Nature Partnership.

Even with the revised layout and small reduction in the number of houses, the proposal for 35 dwellings and a care home will sever this vital green corridor, with inevitable adverse effects on wildlife. The layout shows a narrow line along the south of the site with a few mature trees and several smaller ones, some of which appear to fall within proposed gardens. Whether within gardens or overlooking them, they will be vulnerable to cutting back or felling, and cannot provide the required level of protected habitat needed to support foraging bats etc. currently using the wood, particularly with the increased light and disturbance associated with the new development.

No further ecological information has been supplied with the revised and additional documents, so the ecological survey data showing is now more than two years old, although we understand that some more recent ecological survey work has been undertaken.

There is no Biodiversity Mitigation Plan (BMP) amongst the documents on the website. It is essential that a BMP should detail all measures to be taken to ensure that the development does not result in any biodiversity loss and that on the contrary there is a net biodiversity gain resulting from the development in line with the NPPF. It is the opinion of the DWT that it will be very difficult to provide sufficient and appropriate mitigation and habitat enhancement in a development of this size, to compensate for the destruction of an area of broad-leaved woodland, which clearly provides important habitat for a variety of wildlife and is a very important green corridor in this setting. At the very least a substantially wider corridor of trees will be required with a buffer to the house.

6.13 Royal Society of Protection for Birds, Dorset

The proposal seeks to clear an area of mature semi-natural woodland to accommodate development of residential housing and care home within a largely urbanised area of Highcliffe. The woodland on the proposed site is identified in the adopted Borough of Christchurch Local Plan 2001 map as an integral part of a green corridor; policy ENV15 within the plan recognises the importance of green corridors within urban landscapes.

An Ecological Assessment has been undertaken in regard to this application (May 2015.) Habitats on site have been assessed as being of significance at site level only. However the location of this woodland in an otherwise highly urbanised environment and the significant continuous priority habitat link that it forms with neighbouring areas of SNCI does not appear to have been considered. Green corridors are widely recognised as being key stepping stones for wildlife in urban environments, lessening the effects of habitat fragmentation on biodiversity.

The ecological assessment identified the woodland as having potential to support roosting and foraging bats and recommended further survey work. Bats in urban environments are particularly sensitive to loss of semi-natural linear habitat and wooded features; the importance of green corridors in the conservation of local bat populations is well documented. The RSPB would expect that further investigation be undertaken into the impacts of this proposal on bats and other protected species as recommended.

At this stage of the application the impacts of loss of the habitats on site are unclear and the wider significance of the site to function as a green corridor has not been satisfactorily considered. We would advise that these issues are fully addressed and a mitigation plan proposed where appropriate ahead of any decision being made on this application.

6.14 Southern Gas Network

Hand dug works may need to be undertaken in some locations given presence of existing gas mains.

6.15 Wessex Water

The proposed development is crossed by public sewers with the approximate positions being marked on the attached record. There must be no building or structure within 3 metres either side of the sewers as Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access for the purposes of maintenance and repair. Subject to engineering agreement and application, it may be possible to divert or abandon these sewers at the developer's cost. I understand that the developer has been in contact with our local development team to discuss parameters for diverting the foul sewer through the development. A foul connection can be agreed to discharge foul flows from this site. Lateral connections to public sewers would be subject to formal agreement with satisfactory engineering proposals constructed to current adoptable standards.

The site is located in a medium groundwater flood risk area where there is a risk of foul sewer inundation during periods of prolonged wet weather leading to sewer flooding. We are looking to work with the Local Lead Flood Authority to implement a groundwater management strategy and Wessex Water will be seeking higher levels of design and construction in these areas to ensure that the proposed drainage is resilient to the impacts of groundwater infiltration when the water table rises. On site private sewers and sanitary appliances must be designed to be resilient to the impacts of sewer flooding due to high groundwater. We request the inclusion a suitable condition for this application in a risk area for groundwater infiltration. Connection to the public surface water sewer in Jesmond Avenue can be agreed, subject to restricted discharge and a satisfactory scheme of works approved through the Lead Local Flood Authority.

7.0 PLANNING CONSIDERATIONS

The principal planning issues identified in the assessment of the proposal are:

- A. Principle of Development
- B. Flood Risk
- C. Biodiversity
- D. Trees, Character and Residential Amenity
- E. Access
- F. Affordable Housing, Housing Mix and Class C2 use Care Home

- G. Other Matters
- H. Planning Balance

A. Principle of Development

- 7.1 Core Strategy Policy KS2 sets out that the location, scale and distribution of development should conform within the settlement hierarchy.
- 7.2 The application site is located within the settlement of Highcliffe as defined in Policy KS2 and as such the principle of development is established.

B. Flood Risk

- 7.3 Policy ME6 sets out that the local authorities will apply the sequential and exception tests set out in the NPPF. All developments will be required to demonstrate that flood risk does not increase as a result of the development proposed and that post-development surface water run-off must not exceed pre-development levels.
- 7.4 Local Plan policy ENV5 sets out that positive surface water drainage systems, separate from all foul drainage systems, will be required for new development unless it is demonstrated that soakaway disposal will be satisfactory under all seasonal conditions.
- 7.5 The NPPF (Paragraphs 99-103) sets out that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
 - within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems
- 7.6 In the case of individual planning applications the national Planning Practice Guidance (PPG) sets out that the objectives of a site-specific FRA are to establish, amongst other things, the evidence for the LPA to apply the Sequential Test, and whether the development will be safe

and pass the Exception Test if applicable¹. The PPG states that the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The PPG recommends that a pragmatic approach on the availability of alternatives should be taken.

- 7.7 The Environment Agency (EA) and Dorset County Council (DCC) (as Lead Local Flood Authority) have set out objections to the proposal with regard to fluvial and surface water flood risk.
- 7.8 The EA are not satisfied that the supporting evidence submitted, including the Flood Risk Assessment (FRA) (Such Salinger Peters, 6/10/2017), adequately addresses flood risk and does not agree with the conclusions consequently drawn. The EA are clear in their consultation response (6/12/2017) that they consider significant parts of the site to be within Flood Zone 2 and also within the future Flood Zone 3 (taking into account climate change). The EA estimate that a swathe of land extending roughly 20 metres into the site from Jesmond Avenue, along with the majority of the northern boundary with Jesmond Avenue, would be within Flood Zone 2. As such, the ISL therefore includes a number of the proposed new residential dwellings within EA Flood Zone 2.
- 7.9 The FRA contests the extent of the current Flood Zone 2 and modelled future Flood Zone 3 within the application site. As such, there is disagreement about the site's current flood risk zoning.
- 7.10 In line with the advice set out by the EA in their consultation response, it is considered appropriate for the LPA to adopt the current flood zones when applying the NPPF sequential test as required by Policy ME6.
- 7.11 The Sequential Test applies to the type of development that is proposed – which in this case would be residential use. Bearing in mind that housing need has been assessed on a Borough-wide basis, and noting that the scheme is not explicitly aimed at meeting needs in a more local catchment area, it is therefore appropriate to apply the Sequential Test across the entire Partnership (Christchurch and East Dorset) area.
- 7.12 The applicants have not provided any substantive evidence contrary to the Partnership's position that its Strategic Housing Land Availability Assessments (SHLAA) shows that new residential dwellings could be accommodated on other sites that are wholly within EA Flood Zone 1². As such, the Sequential Test has not been passed.
- 7.13 The EA also object on the basis that they would not accept development within 4 metres from the main River Culvert Walls which would ensure that the site layout and associated works do not compromise the Main River Culvert. This issue was not addressed in the amended FRA. As such, the applicants have not clearly demonstrated that the proposed siting of housing in the ISL is in fact at least 4 metres from the Main River Culvert.
- 7.14 With regard to surface water flooding, the FRA states (Paragraph 5.23) that the EA maps do not identify the site as being at risk from surface water flooding. As the EA set out in their response, the updated Surface Water Flood Maps for the site, which is publicly available information³, does in fact, indicate that the site is at risk from surface water flooding.

¹ Planning Practice Guidance Paragraph 030 Reference ID: 7-030-20140306

² <https://www.dorsetforyou.gov.uk/planning/christchurch-sequential-test-new-housing-development>

³ <https://flood-warning-information.service.gov.uk/long-term-flood-risk>

- 7.15 DCC also set out in their objection that the site is shown to be at significant risk of surface water flooding. DCC acknowledges that their objection may be overcome with additional details or further amended schemes they reiterate that the application site is a challenging site with the potential to place new and existing development at risk. DCC thus provide detailed comment in relation to the localised impacts and proposed connection to and the capacity of the culverted Main River/surface water sewer, proposed incorporation of a pumped discharge and flows simply leaving the site in the direction of existing properties, and hence in the absence of further qualification this would appear to offer a worsening and increased flood risk beyond the site. As such, it has not been clearly demonstrated that the proposed strategy would be sufficient to suitably mitigate the risk of surface water flooding within and in proximity to the application site.
- 7.16 Wessex Water has requested the inclusion a suitable condition for this application in a risk area for groundwater infiltration. As such, the issue of groundwater infiltration from foul drainage can be addressed through a suitable condition.
- 7.17 In summary, the proposal does not adequately demonstrate that the development site would not be at risk from flooding or that flood risk would not be increased elsewhere by virtue of the proposed development, and does not satisfy the sequential test set out in national planning policy.
- 7.18 Therefore, the proposal does not accord with Core Strategy Policy ME6, Local Plan Policy ENV5 and the NPPF paragraphs 100 and 103.

C. Biodiversity

- 7.19 Core Strategy Policy ME1 sets out the aim to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks. Where development is considered likely to impact upon particular sites, habitats or species as set out within the Dorset Biodiversity Protocol, it will need to be demonstrated that the development will not result in adverse impacts. In considering the acceptability of proposals, the Council will assess their direct, indirect and cumulative impacts relative to the significance of the features' nature conservation value. Relevant supporting policy criteria should be addressed.
- 7.20 Paragraph 118 sets out that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by applying principles (as set out).
- 7.21 Natural England (NE) objects to the proposal as the proposal has failed to take fully into account the sensitive nature of the location. The proposal has not considered in sufficient detail the likely effects on biodiversity features on the site. The proposed number of residential dwellings is inappropriate to allow consistency with the need to conserve ancient trees. NE also highlights that sensitive species of lichens and mosses are located in the area proposed for a care home.
- 7.22 As set out in Paragraph 6.4 of this report, the agent forwarded a letter from NE a Site Layout (Drawing No: 2969-P-05G) to the LPA on 30 January 2018 which included an area (blue hatched line) within the application site which in the view of Natural England would provide an acceptable biodiversity corridor. However, the site layout is a different iteration from that

submitted to the LPA in November 2017 (the 'ISL') for public consultation. For example, Drawing No: 2969-P-05G includes vehicular parking spaces and four flats adjacent to the eastern boundary of the site, whereas the ISL sets out a 4-bedroom detached dwelling with rear amenity space and two vehicular parking spaces parallel to Jesmond Avenue.

- 7.23 The biodiversity corridor area identified by NE incorporates significant portions of the application site on the southern and eastern boundaries. It is clear to the LPA that the boundary of the identified biodiversity corridor crosses the proposed footprint of units 22, 23 and 35 (as set out in ISL), and hence could not be sited as proposed. There would also be an unacceptable reduction in their private amenity space and for that associated with units 19, 20 and 21.
- 7.24 As such, whilst a suitable wildlife corridor has been latterly identified with NE, by virtue of the portion of the application site within it, three units (22, 23 and 35) as set out in the ISL are sited within the biodiversity corridor and a further three units (20, 21 and 22), although outside the corridor, would have their rear private amenity space unacceptably reduced. Therefore, it has not been demonstrated that the site could acceptably deliver up to 35 units in conjunction with a biodiversity corridor acceptable to Natural England.
- 7.25 DCC set out that the application triggers the Dorset Biodiversity Appraisal scheme and as such an approved Biodiversity Management Plan (BMP) should accompany the application. An ecological assessment was undertaken in 2015 which identified a number of protected species and European Protected Species interests. DCC consider this assessment out of date and should be updated with the aim of informing a BMP which includes a suite of enhancements and on-site compensation measures.
- 7.26 Dorset Wildlife Trust (DWT) and RSPB Dorset also object to the proposal. The DWT highlights that as of January 2018 there was no agreed Biodiversity Mitigation Plan (BMP) in place, and that the application site is clearly indicated as a 'wildlife corridor' on the Ecological Network Maps produced by the Dorset Local Nature Partnership. Both the DWT and RSPB set out that with regard to protected species the proposal would impact on foraging bats through the loss of existing habitat and increased light and disturbance.
- 7.27 The supporting Planning, Design and Access Statement (KPP) states in Paragraph 8.2 that the site has limited ecological interest or potential. However, this statement clearly cannot be substantiated without the further survey work in relation to at least bats and reptiles which the Ecological Assessment (David leach Ecology Ltd, May 2015) sets out should be undertaken. These further surveys have not been submitted and as such it cannot be demonstrated that suitable mitigation can be provided and hence without a suitable BMP (as of January 2018 a BMP has not been agreed) setting out a strategy to deliver any necessary mitigation, it therefore cannot be demonstrated that the proposal would not have an adverse impact on protected species.
- 7.28 In summary, in the absence of suitable protected species surveys, it has not been clearly articulated what biodiversity mitigation would be necessary and how the associated strategy would be compatible with the quantum of development being proposed. The proposal will therefore result in an adverse impact on local biodiversity including protected species. A biodiversity corridor area has latterly been agreed with NE but this would not be compatible with the siting and rear private amenity space of six dwellings. The comments from the Partnership Planning Policy Officer are noted but in line with comments from NE and others,

it is considered that the green corridor as identified in local policy is a relevant material consideration.

- 7.29 Therefore, the proposal would have an adverse harmful impact on biodiversity and therefore the proposal does not accord with Core Strategy Policy ME1 and NPPF Paragraph 118.

D. Trees, Character and Residential Amenity

- 7.30 Core Strategy Policy HE2 sets out that within Christchurch and East Dorset the design of development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness. To achieve this, development will be permitted if it is compatible with or improves its surroundings in terms of the supporting criteria. This includes the relationship to nearby properties and minimising general disturbance to amenity.
- 7.31 Core Strategy Policy HE3 sets out that development will need to protect and seek to enhance the landscape character of the area. Proposals will need to demonstrate relevant factors have been taken into account. This includes natural features such as trees, hedgerows, woodland, field boundaries, water features and wildlife corridors.
- 7.32 Core Strategy Policy LN2 sets out on all sites, the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality. Proposals for high density developments will be acceptable in the following types of location where this form of development will not have an adverse impact on the character of the area and where residents have the best access to facilities, services and jobs including sites along Prime Transport Corridors and areas outside town centres with good access to public transport.
- 7.33 Local Plan Policy ENV15 sets out that areas identified as green corridors are to be retained for wildlife movement and where appropriate public enjoyment. Development proposals adjacent to or within a green corridor will be expected to respect its function and integrity. Where a proposal is likely to prejudice a green corridor, its enhancement or expansion will be sought as part of the proposal.
- 7.34 The Christchurch Borough-wide Character Assessment (2003) aims to help identify and protect the identity of the Borough through a comprehensive assessment of urban and landscape character areas. Guidance is set out regarding the capacity of areas to accommodate new development and their unique sensitivity to change.
- 7.35 NPPF Paragraph 58 sets out planning decisions should aim to ensure that development responds to local character. Paragraph 64 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.36 The Partnership Tree Officer objects to the proposal with regard to the apparent disregard to site constraints including levels, trees and vegetation. The proposed quantum of development would result in future pressure on the remaining trees and could not realistically be retained. Further, given the intensity of the proposed development there is little opportunity for planting within the site to compensate for the proposed substantial loss of trees.

- 7.37 As set out, the ISL has not made suitable provision for a suitable biodiversity ('green') corridor through the application site. Whilst Local Plan Policy ENV15 allows in principle for development within green corridors, in this instance the proposal has clearly failed to respect its existing function and integrity by virtue of the quantum of proposed development and the consequential lack of capacity to enable wildlife movements through a suitable green corridor.
- 7.38 For example, the ISL might suggest a residual green corridor comprised of existing individual trees and groups of trees parallel to the south-eastern boundary in the rear gardens of proposed units 19 to 27. However, the Provisional Arboricultural Method Statement (Ref: DS/34117; 13/2/2017) (Paragraph 4.9.1) sets out that many of these trees (including T39, T45, T46, T47) are in fact proposed to be felled. Those that retained appear for the most part to be accommodated in private amenity space which is considered not acceptable given the pressures the Tree Officer identified. Thus the potential of these trees, amongst many others, to enable a suitable green corridor and thus support protected species would therefore be lost.
- 7.39 Essentially, a significant number of existing mature trees, including category A trees, are proposed to be felled where, it is considered, a lower quantum of development in the site may potentially retain and successfully accommodate them. For reference, a Tree Preservation Order took effect on a provisional basis on 15 December 2017 on an area which includes the application site (and additional wooded areas to the east). As such, the proposal would result in the loss of a significant number of protected trees.
- 7.40 In summary, the proposal has failed to take suitable account of the ecological and arboricultural sensitivities of the site
- 7.41 Core Strategy Policy LN2 is clear that new housing development should be of a density appropriate for its location. The application site is located adjacent to a Prime Transport Corridor (A337) and within walking distance of Highcliffe town centre and as such, in principle, could be considered suitable for a higher density of development than, for example, the existing low density housing to the north.
- 7.42 However, the Christchurch Borough-wide Character Assessment (Paragraph 5.37.7) identifies the A337 as a tree lined through route which provides a distinctive landscape impression of the Borough. The area to the north of the application site is identified (Paragraph 5.41.1) as a suburban area contained by dominant tree cover. The general grain of the area is an even spread of moderate density detached dwellings with localised pockets of higher density housing courts and small groups of flats. Much of the estate is open plan housing with very controlled patterns of standard house types. The majority of the housing is bungalows.
- 7.43 However, in order to preserve the existing character of the well-treed approach to Highcliffe town centre from the west it is considered necessary to retain a strong framework of mature trees around the periphery of the site, particularly on the south-eastern boundary. However, as set out, the application does not sufficiently provide for the retention of mature trees on the site boundary to maintain the positive contribution the site makes to local character.
- 7.44 As such, the built density of the proposed development is considered to be too high for this particular location. It could not be accommodated within the site with sufficient landscape

planting that would suitably mitigate the loss of existing tree coverage without resulting in an incongruous housing development with a notably urban character located between a main route with a well-treed, sylvan character and an area mostly characterised by single-storey dwellings in generous, open plots.

- 7.45 In summary, the proposed development is not compatible with its surroundings and would not enhance the landscape character of the local area.
- 7.46 The application site is considered to benefit from reasonable separation distances from neighbouring residential properties. As a result the development of the site for housing and a care home is, in principle, not considered to have a detrimental impact on neighbouring amenity, although this would be subject to consideration of the detailed proposals at the reserved matters stage. Potential impacts on local amenity during the construction phase of any consent could be addressed through a suitable management condition.
- 7.47 However, there are amenity concerns with the relationship between proposed dwellings and mature trees within the application site, and the spacing between dwellings.
- 7.48 Taking into account the footprint of the building and the indicative scale (4 stories) the proposed care home is considered to be cramped within the portion of the site in which it is sited. The private amenity space between the care home and the southern boundary on Lymington Road has significant proportion of the area under the canopy of existing mature trees (T20-T21; T25-T28). There is little private amenity space to the west and north of the footprint of the building given the proposed surface parking. As such, the proposed care home is considered to have insufficient private amenity space for 68 prospective residents.
- 7.49 Furthermore, whilst the application gives no indication about the internal layouts of the proposed residential dwellings, the close siting (11 metres) of units 12, 13 and 14 with the west facing elevation of the block comprising units 15 to 18, and units 28-29 and 30-31 could have significant impacts on prospective residential amenity by virtue of overlooking and/or overbearing. This issue would need to be addressed at the Reserved Matters stage.
- 7.50 In summary, the proposal would have an adverse harmful impact on protected trees, the corridor, local character and amenity of prospective residents of the care home by virtue of lack of sufficient private amenity space. Therefore, the proposal does not accord with Core Strategy Policies LN2, ME1, HE2 and HE3, Local Plan Policy ENV15 and NPPF Paragraphs 58 and 64.

E. Access

- 7.51 Core Strategy Policy KS11 sets out that it will aim to reduce the need to travel, provide improved access to key services and facilities and promote alternative modes of travel, which will be achieved through the implementation of measures identified within a transport assessment or transport statement. Where appropriate, developers will be required to contribute financially towards improvements. Development should be in accessible locations that are well linked to existing communities by walking, cycling and public transport routes. Development must be designed to, amongst other things, provide safe, permeable layouts which provide access for all modes of transport, prioritising direct, attractive routes for walking, cycling and public transport.

- 7.52 The NPPF Paragraph 32 sets out that plans and decisions, amongst other things, should take account of whether safe and suitable access to the site can be achieved for all people. The National PPG (Paragraph 39 Ref: 7-039-20140306) sets out more detailed guidance on how to ensure safe access and egress to and from the development.
- 7.53 As set out, the application site is located close to local facilities, bus routes and Highcliffe town centre. It is clearly an accessible location for new residential development. The Highways Authority has raised no objection to the proposal subject to suitable conditions.
- 7.54 The three proposed vehicular/shared surface accesses are proposed. The two proposed shared surfaces serve the dwellings in the centre and eastern portions of the application site. The ISL sets out that the eastern shared surface has an access to the rear of the Day Nursery. However, this indicative access does not form part of the proposal on the application form and is not referred to in the supporting Planning, Design and Access Statement (KPP, March 2017). As such, it is not clear what form of access (vehicular, pedestrian or shared) is being referred to on the ISL and whether this is in fact achievable and/or deliverable.
- 7.55 The central shared surface is the proposed sole access for dwellings Nos. 15 to 29. There are no pedestrian routes accessing the central portion of the application site. This sole access is located in an area identified by the EA are being subject to surface water and fluvial flood risk. The PPG is clear that access considerations should include the voluntary and free movement of people during a 'design flood' as well as the potential for evacuation before a more extreme flood, and access and egress must be designed to be functional for changing circumstances over the lifetime of the development.
- 7.56 Given this guidance and the disagreement about the site's current flood risk set out earlier in the report, it is considered that the proposal has not adequately demonstrated that safe vehicular and pedestrian access and egress from the site can be made.
- 7.57 Therefore, given the failure to demonstrate safe access and egress, taking into account flood risk, from the two proposed shared surface accesses, the proposal does not accord with Core Strategy Policy KS11 and NPPF Paragraph 32.

F. Affordable Housing, Housing Mix and Class C2 use Care Home

- 7.58 Core Strategy Policy LN1 sets out that the size and type of new market and affordable dwellings will reflect current and projected local housing needs identified in the latest Strategic Housing Market Assessment and informed by future Annual Monitoring Reports to ensure that the proposed development contributes towards attaining a sustainable and balanced housing market.
- 7.59 Core Strategy Policy LN3 sets out that to maximise affordable housing provision, whilst ensuring flexibility and sufficient margins to facilitate housing delivery, the Councils will require all residential developments to meet the relevant affordable housing requirements. On sites resulting in a net increase of 15 or more dwellings, provision should usually be on site, although off-site or in lieu financial contributions may be acceptable.
- 7.60 Core Strategy Policy L6 sets out that new social, care or health related development proposals, or major extensions to existing developments, within the C2 use classification will

not be subject to Policy LN3 however they will be required to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against.

- 7.61 The ISL sets out an indicative mix of dwelling sizes. Policy LN1 sets out individual sites will be expected to reflect the needs of the Strategic Housing Market Assessment (SHMA) subject to site specific circumstances and the character of the local area.
- 7.62 The Housing Officer has acknowledged that the amended indicative housing mix better reflects is generally more attuned to the Council's affordable housing priorities but that it would be preferable to include some two bed houses, as larger units may be unaffordable for local households.
- 7.63 The Housing Officer and Planning Policy Manager have confirmed that an affordable housing provision up to 40% of the total is realistic for this site. This is considered an acceptable level of affordable housing.
- 7.64 The Application Form sets out that the 40 proposed houses would all be market housing. However, an Affordable Housing Statement (Tangent Chartered Surveyors; 27 March 2017) was submitted which set out an affordable housing offer of 16 three-bedroom houses (each 91m²) with the following mix:
- Affordable Rent – 5 units
 - Shared Ownership – 3 units
 - Starter Home – 8 units
- 7.65 However, given the amended quantum of development proposed (a reduction of five units to a total of up to 35 dwellings) the affordable housing offer does not accord with the revised housing mix set out in the ISL (see Paragraph 2.09 of this report) which only has 7 three-bedroom dwellings.
- 7.66 The Housing Officer has acknowledged that the amended indicative affordable housing mix better reflects is generally more attuned to the Council's affordable housing priorities but that it would be preferable to include some two bed houses, as larger units may be unaffordable for local households. The Council will require a mix of different bedroom size dwellings more in line with evidenced housing need. The proposed flatted units could be suitable for one and two-bed affordable rented. Further detailed comments set out the Council requirement for the tenure of affordable housing, their layout (which would be addressed in a subsequent reserved matters application) the requirement for a quantum (a minimum of 10%) of affordable homes incorporating specially adapted or supported housing and the need for suitable viability evidence if a divergence from policy is sought.
- 7.67 However, no updated Affordable Housing Statement which takes account of the amended quantum of development proposed, and suitably reflects the ISL, has been submitted as of January 2018. As such, whilst it is acknowledged that the initial offer of 16 affordable dwellings was a positive initial approach, the mix of units (in terms of unit size) would need to be significantly revised. No details on proposals for some specially adapted or supported housing has been submitted.

- 7.68 The latest SHMA for Eastern Dorset 2015 (GL Hearn, 2015)⁴ sets out (Table 8; p.10) the estimated dwelling requirement by number of bedrooms (2013 to 2033) for the market sector. In Christchurch the focus of demand for new market housing will be on two and three bedroom properties (approximately 82% of demand). The requirement for four bedroom plus dwelling is far less (approximately 10% of demand).
- 7.69 The Planning, Design and Access Statement (PDAS) (KPP, March 2017) acknowledges (paragraph 5.7, 2nd bullet point) that the size of households in the area is shrinking and that there is a need to provide an appropriate mix of housing to meet local needs (5th bullet point). Paragraph 5.8 of the PDAS goes on to acknowledge that therefore housing needs to be affordable, suited to smaller household sizes, and which meets the needs of younger people.
- 7.70 In this instance, the ISL indicatively sets out that 16 of the 35 proposed dwellings (45%) would be four bedroom units, far higher than the SHMA evidence. Two and three bedroom units (including flats and houses) would account for 15 of the 35 proposed dwellings (43%), far lower than the SHMA evidence.
- 7.71 The rationale for the indicative mix of housing, both market and affordable housing, has not been justified in conjunction with the details included in the ISL. The Planning Statement, as set out, does acknowledge the wider trend towards smaller units but this is not carried through into the ISL which indicatively seeks to accommodate a level of four bedroom units significantly over and above that indicated in the SHMA.
- 7.72 As such, in the absence of adequate information setting out a suitable mix of market and affordable housing, the proposal does not accord with Core Strategy Policy LN1.
- 7.73 No relevant information was submitted which sought to demonstrate the impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services in line with Core Strategy Policy LN6.
- 7.74 Therefore, in the absence of a suitable planning obligation scheduling a suitable agreed mix of affordable and market housing, and tenure mix of affordable units, and in the absence of relevant information with regard to the care home, the proposal does not accord with Core Strategy Policies LN1, LN3 and LN6.

G. Other Matters

Dorset Heathlands

- 7.75 Core Strategy Policy ME2 sets out that any residential development between 400 metres and 5 kilometres will provide appropriate mitigation towards Dorset Heathlands.
- 7.76 The applicants have set out that they are content to enter into a planning obligation in order to secure SAMM payments as required in The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document. However, as of January no suitable planning obligation had been agreed.

⁴ <https://www.dorsetforyou.gov.uk/article/404418/2015-Update-and-Review-of-the-Strategic-Housing-Market-Assessment>

- 7.77 As such, in the absence of a suitable planning obligation, the proposal does not accord with Core Strategy Policy ME2.

Green Belt

- 7.78 Several letters representation stated that the application site is located within the South East Dorset green belt. However, as set out in the Core Strategy proposals maps, the site is not within the South East Dorset belt.

Housing Land Supply

- 7.79 The NPPF requires all LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer to be moved forward from later in the plan period. The Partnership website sets out that Christchurch and East Dorset can demonstrate a 5 year housing land supply⁵. As such, there is no presumption in favour of the development by virtue of the lack of a demonstrable five year housing land supply.

Land Contamination

- 7.80 Environmental Health has no objection to the proposal subject to a suitable condition in relation to land contamination.

Setting of Listed Buildings

- 7.81 Core Strategy Policy HE1 sets out that heritage assets are an irreplaceable resource and will be conserved and where appropriate enhanced for their historic significance and importance locally to the wider social, cultural and economic environment.
- 7.82 The NPPF Annex 2 defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.
- 7.83 The national PPG summarises the main legislative framework for planning and the historic environment. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan⁶.
- 7.84 Several letters of representation set out that the proposal would adversely impact the setting of local listed buildings.
- 7.85 There is one listed building in close proximity to the site, the building at 254/256 Lymington Road. This is two-storey whitewashed brick cottage with narrow separation distance to adjacent building fronting onto Lymington Road (Nos. 250 and 260). It is considered that the impact of the proposal on the setting of this listed building would be less than substantial taking into account the separation distances between the existing buildings which face onto

⁵ <https://www.dorsetforyou.gov.uk/planning/christchurch-east-dorset-five-year-housing-land-supply>

⁶ Paragraph: 002 Reference ID: 18a-002-20140306

Lymington Road and hence the, essentially, oblique views between them into the application site, and the extent of the belt of protected trees which extends southwards from the application site towards Lymington Road.

- 7.86 Given the separation distances from other locally listed buildings (Grade I listed Highcliffe Castle was mentioned in one representation) it is considered that the proposal would not have any notable impacts on the setting of other listed buildings including the four at the Lytch Gate and Lord Bute approximately 275 metres to the west.
- 7.87 Therefore, the proposal accords with Core Strategy Policy HE1 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Infrastructure and Utilities

- 7.88 Core Strategy Policy LN7 sets out that facilities and services will be provided to support existing and future population growth and changes in the age profile. New facilities should be concentrated in the main settlements including Highcliffe. The Council will work with partners and service providers to ensure the timely provision of high quality, convenient, local and accessible facilities and services for community and cultural use such as education, health, libraries, facilities for older people/children and young people and community buildings. New facilities will be required to serve the needs of the population and new development when the alternatives above are not feasible.
- 7.89 Paragraph 7.40 (Appendix 7) of the Core Strategy sets out that the Community Infrastructure Levy (CIL) is a local levy which local authorities can choose to apply to most new developments in their area to secure contributions towards funding for essential local or sub-regional infrastructure⁷. It is aimed at providing top-up funding for the infrastructure necessary to mitigate the effects of housing and economic growth, for example roads, public transport, schools, health facilities, flood defences or sports facilities.
- 7.90 A number of representations from the public set out that the proposal would have an adverse impact on local schools and medical facilities. Christchurch and East Dorset have adopted a CIL which would apply to Class C3 (Dwellinghouses) use. As such, the proposal would be subject to the CIL and therefore would provide funds towards some local infrastructure.
- 7.91 The Christchurch and East Dorset CIL Update to the Regulation 123 list sets out those infrastructure projects to be funded wholly or in part by CIL⁸. On sites which are either not identified strategic sites or a site of 40 or more dwellings which are providing SANG, CIL funds could be made for provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary, and health facilities to be delivered by the Health Authority.
- 7.92 The gas and sewerage service providers have confirmed that services could be provided on-site but that some works may need to be hand dug. This issue can be addressed through a suitable condition.

⁷ <https://www.dorsetforyou.gov.uk/article/407160/Christchurch-and-East-Dorset-Community-Infrastructure-Levy>

⁸ https://www.dorsetforyou.gov.uk/media/222462/Christchurch-East-Dorset-Regulation-123-List-June-2017/pdf/Christchurch_East_Dorset_Regulation_123_List_June_2017.pdf

- 7.93 As such, given the mandatory CIL payments which a planning consent for the proposal would accrue, and subject to suitable conditions, the proposal accords with Core Strategy Policy LN7.

Noise and Odour

- 7.94 The Environmental Health Officer has confirmed that noise and odour impacts associated with the proposed care home could be addressed through suitable conditions. As such, subject to suitable conditions and consideration of detailed design issues at the reserved matters stage, the proposal accords with Core Strategy Policy HE2.

Vehicular Parking

- 7.95 Core Strategy Policy KS12 (Parking Provision) sets out that adequate vehicle and cycle parking facilities will be provided by the developer to serve the needs of the proposed development. Cycle and vehicle parking for residential development should be of the highest quality design and use land efficiently. Development proposals should make provision for parking in accordance with the Local Transport Plan parking guidance, including provision for parking for people with disabilities.
- 7.96 A number of neighbour objection comments were received which highlighted issues of vehicular parking. The proposed vehicular parking will be considered in a subsequent Reserved Matters application given that the proposal has reserved the issue of 'layout'. However, the LPA has following informative comments to make on the proposed vehicular parking as set out in the ISL.
- 7.97 The ISL sets out that each dwelling would have one surface parking space with the exception of proposed unit 35 which has two parking spaces. The proposed care home would have 19 surface vehicular parking spaces. Suitable information on vehicular parking should be provided in a Reserved Matters application in line with that set out Residential Car Parking Provision Local Guidance for Dorset and Non-residential Parking Guidance⁹. Suitable account should be made of the quantum of allocated and unallocated parking spaces, parking spaces for disabled people, the dimensions of parking spaces, and their impact on the wider street scene.

Covenants

- 7.98 The issue of legal covenants was highlighted in public representations. Covenants are separate legal issues addressed outside planning.

Impact on Property Prices

- 7.99 The issue of property prices was highlighted in public representations. Any possible or perceived future reduction in property prices is not an issue which can be taken into account in planning decisions.

Information Provided

- 7.100 Some representations received highlighted actual and/or perceived inconsistencies in the information provided in the application for example Section 5 (Pre-application advice) of the

⁹ <https://www.dorsetforyou.gov.uk/article/397080/Car-and-cycle-parking-standards>

Application Form (which stated no assistance or prior advice had been from Local Authority) and the Planning, Design and Access Statement (Paragraphs 3.2-3.4) which states inter alia that there had been an extensive process of pre-application engagement with Officers. Notwithstanding this, the Local Authority has received sufficient information to determine the application.

H. Planning Balance

- 7.101 Core Strategy Policy KS1 (Presumption in Favour of Sustainable Development) sets out that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 7.102 The NPPF is clear that there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay and where the development is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or specific policies in the NPPF indicate development should be restricted.
- 7.103 The proposal could generate some modest economic (building activity, new residents, Council Tax) and social (affordable housing) benefits. The LPA five-year housing land supply is robust and as such does not weigh in favour of the proposed development.
- 7.104 However, in this instance the proposal has demonstrable adverse impacts on the local environment by virtue of flood risk, protected species, trees and local character. The LPA has considered the economic and social benefits of the proposal, but the adverse environmental impacts would demonstrably outweigh them. The NPPF is concerned with boosting the supply of housing, but also with minimising flood risk and impacts on protected species, inter alia.
- 7.105 As such, the proposal does not comprise sustainable development and therefore does not accord with Core Strategy Policy KS1 and the NPPF paragraph 14.

8.0 CONCLUSION

- 8.1 The application site is a sustainable location within the settlement of Highcliffe sited in close proximity to local facilities, bus routes and the town centre. The issues of land contamination, noise and odour could be addressed subject to suitable conditions. Suitable contributions towards local infrastructure would be made through the Community Infrastructure Levy if a planning consent were to be made.
- 8.2 However, despite being a complex development site, the proposal is significantly lacking in suitably robust evidence and mitigation in relation to fluvial and surface water flooding, and biodiversity. On the basis of the information that is available the Local Planning Authority cannot conclude that the development could be suitably accommodated without an adverse impact on flood risk, protected species, protected trees and the character of the site and surrounding area. A biodiversity corridor area has latterly been identified with Natural England but is clearly not compatible with the site layout in the amended ISL. The proposal has not sufficiently demonstrated that prospective site residents would have safe access and

egress during potential flood events. Insufficient information has been provided with regard to housing mix, affordable housing tenure and the care home. In the absence of a suitable planning obligation, affordable housing and Dorset Heathland Strategic Access Management and Monitoring (SAMM) has not been secured.

- 8.3 Informative comments have been provided in the officer report with regard to reserved matters where appropriate.
- 8.4 In summary, the proposal is ill-conceived and does not comprise sustainable development.
- 8.5 Therefore, the proposal does not accord with Core Strategy Policies ME1, ME2, ME6, HE2, HE3, KS1, KS11, LN1, LN2, LN3 and LN6, Local Plan Policies ENV5 and ENV15 and the National Planning Policy Framework paragraphs 32, 58, 64, 100, 103 and 118.

9.0 RECOMMENDATION

Recommendation: Refuse for the following reasons:

1. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on fluvial and surface water flood risk within the application site and in the local area. The proposal has failed to suitably take climate change into account. The proposal does not satisfy the National Planning Policy Framework Sequential Test. Development is sited within 4 metres of a main river culvert. Therefore, the proposed development does not accord with Christchurch and East Dorset Part 1 Core Strategy Policy ME6, Local Plan Policy ENV5 and National Planning Policy Framework Paragraphs 100 and 103.
2. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on protected species. The proposal has not made suitable provision for a suitable biodiversity ('green') corridor through the application site. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy ME1, Local Plan Policy ENV15 and National Planning Policy Framework Paragraph 118.
3. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on Protected Trees. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy HE3.
4. The submitted information and plans has not demonstrated that a residential development of up to 35 dwellinghouses, a 68 bedroom Class C2 use Care Home and sufficient associated landscape and planting in non-private spaces can be accommodated on the site without adverse impact on the landscape character of the site and the local area. The built density of the proposed development would not be appropriate for the application site and the local area. For these reasons the proposed scheme does not represent high quality design. Therefore, the proposal

does not accord with Core Strategy Policies LN2, ME1, HE2 and HE3, Local Plan Policy ENV15 and National Planning Policy Framework Paragraphs 58 and 64.

5. The proposal would have an adverse impact on the residential amenity of future occupiers of the Class C2 care home by virtue of the lack of sufficient private outdoor amenity space. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy HE2.
6. The submitted information and plans have not demonstrated that the two proposed shared surface accesses onto Jesmond Avenue allow occupants to safely access and egress during a design flood event. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy KS11 and National Planning Policy Framework Paragraph 32.
7. The proposal would not provide a suitable housing mix (bedrooms) and tenure mix of affordable housing which adequately reflects local housing evidence. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policies LN1 and LN3, and the Christchurch and East Dorset Housing and Affordable Housing Supplementary Planning Document April 2014.
8. The proposal would not provide a suitable market housing mix (bedrooms) which adequately reflects local housing evidence. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy LN1.
9. In the absence of suitable information the proposal has not demonstrated that any impacts upon or risk to the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against and therefore is contrary to Christchurch and East Dorset Part 1 Core Strategy Policy LN6.
10. Whilst noting the applicant's willingness in principle to enter into a legal agreement securing suitable contributions, In the absence of a legal agreement to secure the provision of Strategic Access Management and Monitoring (SAMM) for Dorset Heathlands and Affordable Housing to meet identified local housing need, the proposal does not accord with the Christchurch and East Dorset Local Plan Part 1 Core Strategy Policies ME2 and LN3, and the guidance in the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document and the Christchurch and East Dorset Housing and Affordable Housing Supplementary Planning Document April 2014.