

# Planning Committee

Application Address	Fairlea, 16 West Cliff Road, Bournemouth, BH2 5EZ
Proposal	Alterations, roof extension to form three additional flats and formation of additional parking spaces
Application Number	7-2019-1227-G
Applicant	Vivir Properties (Dorset) Ltd
Agent	HLF Planning Ltd
Date Application Valid	19 February 2020
Decision Due Date	14 April 2020
Ward	Westbourne & West Cliff
Report Status	Public
Meeting Date	2 April 2020
<b>Recommendation</b>	<b>GRANT, in accordance with the recommendation in the report.</b>
Reason for Referral to Planning Committee	<p>At the request of Cllr Beesley for the following reasons:</p> <ul style="list-style-type: none"> <li>• Detrimental to the amenities of residents in nearby properties.</li> <li>• Proposed development neither maintains nor enhances the visual amenities of the adjoining Conservation Area.</li> <li>• Inappropriate proposals and poor design of cycle storage and visually detrimental car parking arrangements.</li> <li>• Inappropriate and poor quality of design, including detrimental changes to fenestration and the external appearance of the building.</li> <li>• Insufficient detail of proposals for solar panels and rainwater harvesting.</li> </ul>
Case Officer	Joscelyn Holbrook

## **Description of Development**

1. Planning consent is sought for a roof extension to an existing block of self contained flats to create an additional level comprising of three flats.
2. The applicant has provided the following information:
  - Proposed floor plans and elevations,
  - Location plan, site plan and partial site plan,
  - Proposed cycle store,
  - Arboricultural Method Statement and landscaping plan.
  - Indicative site section and right to light calculations.

	Existing	Proposed
Number of units	9	12
Number of storeys	3	4
Height of building	9m	12.5m
Number of parking spaces	4	10
Number of cycle spaces	0	6

## **Key Issues**

3. The main considerations involved with this application are:
  - Impact on character and appearance of the area;
  - Impact on neighbouring residents;
  - Impact on the highway;
  - Impact on trees;
  - Drainage.
4. These points will be discussed as well as other material considerations at paragraphs 16 to 32 below.

## **Planning Policies**

### **5. Core Strategy (2012)**

Policy CS4 Surface Water Flooding  
Policy CS16 Parking Standards  
Policy CS21 Housing Distribution Across Bournemouth  
Policy CS33, CS34 and CS35 Heathland and designated sites  
Policy CS41 Quality Design

### **6. District Wide Local Plan (2002)**

Policy 4.25 - Landscaping  
Policy 6.10 – Flats

### **7. Town Centre Area Action Plan (2013)**

Policy D4: Design Quality

8. **Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD 2015  
Residential Development: A Design Guide – PGN (2008)  
Sustainable Urban Drainage Systems (SUDS) - PGN  
Bournemouth Parking – SPD  
Affordable Housing DPD.

9. **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

**Relevant Planning Applications and Appeals:**

10. Various tree work applications have been submitted as well as applications to enclose a balcony for this site.

**Representations**

11. Site notices were posted in the vicinity of the site on the 9<sup>th</sup> January 2020 with an expiry date for consultation of the 31<sup>st</sup> January 2020. Following the close of the publicity period, it became apparent that notice was not correctly served. Notice was then correctly served by the agent and the application was re-validated. A further period of publicity was then carried out between the 19<sup>th</sup> of February 2020 and the 11<sup>th</sup> of March 2020.
12. 49 letters of objections were received during this period, all raising objection and none in support. The issues raised comprise the following:-
- Loss of view
  - Loss of light
  - Overshadowing
  - Visual impact
  - Proposed materials
  - Unsightly parking area
  - Removal of trees
  - Construction noise
  - Traffic generation
  - Shared access issues
  - Overdevelopment
  - Lack of affordable housing
  - Location of the site notices
  - Lack of detail regarding solar panels and rainwater harvesting tank
  - Impact on the stability of the cliff
  - Design of cycle store
  - Devaluation of property
  - Covenant restrictions

These issues will be addressed in the relevant sections of the report below.

## **Consultations**

13. BPC Highways - no objections following receipt of amended plans.
14. Tree and Landscaping Officer - no objections, subject to conditions.

## **Constraints**

15. The site is currently outside of the Poole Hill and West Cliff Conservation Area. The boundaries with the conservation area are currently under review and public consultation has been carried out. The review proposes to include the green within the boundary of the conservation area which would therefore also include Fairlea. Weight is given to the fact that the boundary review has been through public consultation.

## **Planning Assessment**

### **Site and Surroundings**

16. Fairlea is three storey block of purpose built flats built in 1967 that shares an access with Avon House, a much larger block of purpose built flats. Fairlea has limited architectural merit. The building currently consists of 9 units and this planning application proposes a roof extension to enable an additional floor and 3 further flats. The existing windows in the building will be replaced and the building will be clad in a modern material. Additional parking spaces will be constructed within the grounds as well as a cycle store.

### **Key Issues**

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

17. The surrounding area comprises large purpose built blocks of flats and terraces of hotels and residential accommodation. Fairlea abuts the West Cliff and Poole Hill Conservation Area. To the south of Fairlea is a large area of green space and the cliff top which is designated public open space. Whilst Fairlea is currently outside of the conservation area, the green is proposed to be included within the conservation area boundary. The consultation process has been through public consultation and weight is given to the fact that Fairlea would most likely be included within the conservation area.
18. Fairlea is a three storey building which is modest in scale compared to neighbouring blocks of flats such as Avon House to the North and Tower Court to the east. This proposal seeks consent to increase the height of the existing building to create an additional level and 3 further flats.
19. Due to the spacing between existing buildings and given the heights of other buildings in the area, there are no objections to the principle of increasing the height of Fairlea. The proposed height would still be much less than the surrounding blocks of flats.
20. The footprint of the building remains as existing, it is only the height which is being increased. From the road Avon House is still the predominant built structure and whilst there will be views along the shared access to Fairlea, the increase in height is not considered to be adversely harmful to the street scene. From the cliff top there are views towards Fairlea and views towards Avon House located directly behind. The increase in height is not considered to be overbearing on the public vantage points

and is not considered to cause an adverse impact on the character or appearance of the area.

21. The existing building is constructed in brickwork and does not hold historic merit. It is proposed to replace all the windows and render the external elevations of the building. This will give the building a modern appearance. This is not considered to be adversely harmful given that render has been used on neighbouring buildings such as Bayview Gardens. Furthermore, rendering the building will help the additional floor blend in with the existing building. There are therefore no objections to the proposed pallet of materials which is considered to upgrade the external appearance of the building.
22. Solar panels are proposed to be inserted on the roof of Fairlea and a rainwater harvesting tank is proposed to be inserted into the ground to the rear of the building. Details of this is shown on drawing 1863 04C. There are no objections to the use of solar panels or rainwater harvesting.
23. The increase in height, the use of materials and the use of environmentally sustainable sources is considered acceptable and would not cause an adverse impact on the character or appearance of the area and would therefore comply with Policies CS 21, CS 41, Policy 6.10 and Policy D4.

#### **Impact on local residents;**

##### Avon House:

24. This 11 storey block of flats is located to the north of Fairlea with a separation distance of 30m at the closest point. The existing access to Fairlea is located to the eastern side of Avon House adjacent to windows. The additional 3 flats and associated parking has the potential to increase vehicular movements along the access. Given it is an existing access and a built up area, the increase in traffic generation is not considered to be adversely harmful to local residents of this building.
25. There are balconies on the rear elevation of this building that overlook Fairlea, the green and cliff top area. There is no right to a view over private land and whilst the increase in height of Fairlea will obstruct views currently enjoyed by residents, there are no planning grounds to refuse the application based on a loss of a view. Whilst the increase in height will be apparent to existing residents, the proposed height would not cause an adverse overbearing impact that would adversely affect the living conditions of the residents of this building. In addition, due to the separation distances the proposed windows would not cause a harmful overlooking impact.

##### Tower Court

26. This 13 storey purpose built block of flats is located to the east of Fairlea with a separation distance of 18m at the closest point. The increase in height of the building will be apparent to the residents of this building however, due to the separation distances it would not cause an adverse overbearing impact. As previously mentioned, there is no right to a view over private land and whilst the views currently enjoyed will change, this is not a reason to refuse planning permission. The proposed windows are not considered to cause a harmful overlooking impact.

## Bayview Gardens

27. This 6 storey block of flats is located to the east of Fairlea with a separation distance of 25m. The formation of an additional level would not cause an adverse overbearing impact on the residents of this building.

## Rothbury, The Lindens, flats 1-4 and 5-8, 8 West Cliff Gardens:

28. These three storey buildings are located to the west of Fairlea with a separation distance of approximately 24m. There are trees and vegetation located along the boundary with the site with glimpses through to the building. The separation distance is considered acceptable and the formation of an additional level of accommodation would not cause a harmful overbearing impact. In addition, the proposed windows would not cause a harmful overlooking impact.

## **Impact on the Highway:**

29. The application proposes an additional 4 parking spaces with 10 in total. The existing parking area that is located in front of Fairlea will be extended to accommodate the additional spaces. A brick built secure cycle store is also proposed for 6 cycles. An amended plan has been received which is now considered acceptable by the Local Highway Authority and no objections have been raised. The additional traffic generation is considered acceptable.

## **Impact on Trees**

30. A tree protection plan and arboricultural method statement has been submitted with this application. The report identifies that one of the trees proposed to be removed is a category C 'low grade' tree and has limited visual amenity value. A second tree is proposed to be removed to accommodate the cycle store. This tree is a category B tree which does have visual amenity benefits and it is proposed to replant a similar sized tree to account for its loss. The protection plan and method statement have been considered acceptable by the Councils Landscaping Officer and a condition will be included for a detailed landscaping scheme as well as a maintenance plan.

## **Impact on cliff stability.**

31. The distance of the proposed development is approximately 100m from the adjacent cliff frontage. Therefore the Councils external consultants on cliff stability rate the risk of instability very low and consequently a stability report is not required.

## **Drainage:**

32. There is no increase in the footprint of the building and therefore there should not be any requirement for additional water disposal. However, the agent has submitted confirmation from Wessex Water that the developer can connect to the main sewer as a soakaway is not appropriate in this cliff top location if required. A condition will be included to ensure that the additional hard surfacing required for the parking area will be constructed in a porous material or that an include is included to direct rainfall to a landscaped area away from the hard surface.

## **Contributions.**

### **Heathland Mitigation**

33. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.

34. Therefore as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required and in this instance is £726, plus a £75 administration fee. A signed legal agreement has been drafted to provide this contribution.

### **Affordable Housing:**

35. The Council's affordable housing DPD is relevant to applications for residential development and sets out an approach to achieving contributions towards the delivery of affordable housing in the borough. However, in the light of the most recent changes to the NPPG, which states that schemes for 10 units or fewer should not be subject to affordable housing contributions, a contribution has not been sought on this application.

### **Community Infrastructure Levy**

36. The development proposal is not liable for a CIL charge because the site is located within the Town Centre AAP boundary where there is an exemption for new residential floor area.

## **Summary**

37. It is considered that:

- The proposed development would not be harmful to the character and appearance of the area
- The proposal would not cause an adverse overbearing impact
- The proposal would not cause an adverse overlooking impact
- The removal of trees and protection of existing trees is acceptable with a landscaping proposal and maintenance plan conditioned.
- The application is acceptable in terms of highway safety and parking.

## **Planning Balance**

38. As discussed within the report, there is no right to a view over private land and although the increase in height of Fairlea will alter the view currently enjoyed by neighbouring residents, it is not a reason to refuse planning permission. Due to the separation distances the proposal would not cause a harmful overbearing impact or cause harmful overlooking. Objections have been received regarding the proposed materials which would modernise the building. Whilst it is likely that Fairlea will be included in the conservation area, the main reason is the green space which surrounds Fairlea rather than its architectural merit. Rendering the whole building will ensure a uniformed finish

integrating the additional level with the existing building. Additional levels on top of blocks of flats has been allowed elsewhere in the borough as buildings are getting taller. This proposal is for one additional floor which is not considered to adversely affect the character or appearance of the area. It is therefore for this reason that the application is recommended for a grant of planning permission.

39. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

### **Recommendation**

**40. GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms:**

**Section 106 terms: Heathlands £726 plus a £75 admin fee.**

**1. Development to be carried out in accordance with plans as listed:**

The development hereby permitted shall be carried out in accordance with the following approved plans: 1863 01, 1863 02, 1863 03 rev b, 1863 04 rev c, 1863 06, 1863 07 rev b, 1863 08 rev a, 1863 09 rev a, 1863 10 rev a, 1863 13 rev a, 1863 14 rev c, 1863 16,

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

**2. Implementation of the approved Arboricultural Method Statement:**

The tree protection measures as detailed in the arboricultural method statement dated 17/01/2020 ref.222 and associated plan 222/1A prepared by Partridge Associates shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

**Reason:** To ensure that trees and other vegetation to be retained are not damaged during construction works and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002).

**3. Soft Landscaping**

Within two months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate: Planting plans; Schedule of plants; Implementation timetable. The approved soft landscape scheme shall be implemented in full prior to occupation or use of the development commencing and permanently retained unless otherwise agreed in writing by the Local Planning Authority.



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

#### **4. Landscape Maintenance**

Within two months of the date of commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.

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

#### **5. Materials as Specified**

The materials to be used on the external surfaces of the proposed development shall be as specified on the application form/plan unless otherwise agreed in writing by the Local Planning Authority.

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

#### **6. Drainage Hard surfaced areas**

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.

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

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

#### **7. Cycle store to be erected prior to occupation**

Before the occupation of any part of the development hereby approved, the cycle store shall be erected as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

**INFORMATIVE NOTE:** The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway this includes verges and/or shrub borders or beneath the crown spread of Council owned trees.

**INFORMATIVE NOTE:** This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL Liability Notice has been issued with this planning permission that requires a financial payment on commencement of development. Full details are explained in the notice.

INFORMATIVE NOTE: The applicant is reminded that this permission is subject to a S106 and capital contribution towards Heathlands mitigation.

**Background Documents:**

**Case File – ref 7-2019-1227-G**