

Planning Committee

Application Address	26 Milton Road
Proposal	Removal of conditions 2, 3, 4 & 5 of application 7-2017-6309-J in relation to hard and soft landscaping, landscape maintenance plan and management plan
Application Number	7-2018-6309-K
Applicant	Mr M Thorpe
Agent	Core Planning Services Ltd
Date Application Valid	27 July 2018
Decision Due Date	20 September 2018
Extension of Time date (if applicable)	n/a
Ward	Queen's Park - Pre May 2019
Report Status	Public
Meeting Date	2 July 2020
Recommendation	Grant in accordance with the recommendation below
Reason for Referral to Planning Committee	Original call in from Councillor Mark Anderson as Ward Councillor for the former Queens Park Ward on the grounds of negative effect on the amenity of local residents. Whilst he no longer represents this Ward it is considered that the local residents would still have an expectation that the matter would be determined by the Planning Committee.
Case Officer	SMD

Description of Development

- 1 Planning consent is sought for Removal of conditions 2, 3, 4 & 5 of application 7-2017-6309-J in relation to hard and soft landscaping, landscape maintenance plan and management plan.
- 2 The details of the conditions are set out below.

Condition 2

Within 3 months of the date of this consent full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details should include where appropriate:

The layout of car parking spaces; Surfacing materials and the creation of a designated area for the storage of bins. The approved hard landscape scheme shall be implemented in full within 2 months of the date of the written approval of the Local Planning Authority 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 area in the interests of preserving and enhancing the character and appearance of the Conservation Area and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS 39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Condition 3

Within 3 months of the date of this consent 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 and Implementation timetable. The approved soft landscape scheme shall be implemented in full in accordance with a programme to be 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 preserving and enhancing the character and appearance of the Conservation Area and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS 39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Condition 4

Within 3 months of the date of this consent 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 preserve and enhance the character and appearance of the Conservation Area to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policies CS 39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Condition 5

Within two months of the date of this consent a management plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to for as long as the building is in use as a boarding house. The management plan shall provide details of how.

i) It is proposed to warden the development 24 Hours a day including contacts details should incidents arise that require contact with the owner and/or operator of the development

ii) Incidents relating to noise complaints will be dealt with.

Reason: In the interest of protecting the amenities of the locality and the character and appearance of the Conservation Area in accordance with Policies CS 38, CS 39 and CS 41 of the Core Strategy (2012).

Key Issues

- 3 The main considerations involved with this application are:
- Impact on character and appearance of the area
 - Impact on residential amenity
- 4 These points will be discussed as well as other material considerations at para 15 to 24 below.

Planning Policies

- 5 **Core Strategy**
Policy CS 38 – Minimising Pollution
Policy CS 39 – Designated Heritage Areas
Policy CS 41 – Quality Design
- 6 **District Wide Local Plan**

Policy 4.4 – Conservation Areas
Policy 4.25 – Landscaping/ Trees
Policy 6.17 – HMO's
- 7 **Other**

Residential Extensions: A Design Guide for Householders - PGN
Residential Development: A Design Guide - PGN
Conservation Area Appraisal - Portchester Road
- 8 **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:

- 9 The site has an extensive planning history dating back to 2001 when temporary planning permission was granted for change of use from rest home to boarding house with private residential accommodation. Since the original temporary permission in 2001 there have been numerous renewals of the temporary planning permission. The use was granted permanent consent in 2017 but subject to the conditions that are now to be varied/removed.

Representations

- 10 Site notices were posted in the vicinity of the site in Aug 2018 with an expiry date for consultation of 7 Sept 2018.
- 11 7 representations have been received from

Cllr Anderson

Cllr Johnson
19, 21, F1 24, F2 24, F3 24, Milton Road

all raising objections. The issues raised comprise the following: -

Anti-social behaviour
Lack of on-site warden
Poor landscaping on the site.
Poor bin management with bins on street
Condition of site detrimental to the character and appearance of the conservation area.

Councillor Mark Anderson “called in” the application to be determined by the Planning Committee but now we are BCP he no longer covers this area. The new Ward Councillors were contacted last year but have not called it in. However as set out above it is considered that local residents would have an expectation that the matter would be referred to the Planning Committee.

Consultations

12 n/a

Constraints

13 Conservation Area

Planning Assessment

Site and Surroundings

14 Milton Road sits within the Portchester Road conservation area. The area is suburban in nature and contains a very fine collection of detached villas in large plots. Most of the buildings along Milton Road date from between 1911 and 1914. Number 26 Milton Road is a substantial detached period villa which retains many original features including projecting bays and timber windows. Despite having undergone some minor alterations including single storey extensions, the building is considered to make a positive contribution to the conservation area.

Key Issues

Impact on character and appearance of the Conservation Area

- 15 Historically the premises was authorised and run as a rest home in conjunction with the neighbouring property at 28 Milton Road. Temporary planning permission was granted in 2002 for a change of use from rest home to boarding home and the premises has operated under a series of further temporary consents as a boarding home since then. In 2017 permanent planning permission was granted for the use of the premises as a boarding house.
- 16 Since the premises were first granted temporary planning permission in 2002 the upkeep of the hard and soft landscaping areas has been poor and has detracted from the character and appearance of the Conservation Area. This also includes a poor arrangement for the storage of bins which in recent times have just been left out on the public footpath. Whilst not ideal such an arrangement appears to have been tolerated primarily on the temporary

nature of the use which in reality could have ceased once the temporary planning permission expired.

17. In granting full planning permission in 2017 for the permanent retention of the use on the site it was felt this constituted a material change in the circumstances, in so far as the use would now be permanent and therefore the development should at the very least preserve the character and appearance of the Conservation Area. As noted above the landscaping arrangements historically on the site have detracted from the character and appearance of the Conservation Area and it is considered reasonable, to require an improvement to the landscaping arrangements to safeguard the Conservation Area.
18. The Applicant initially took a different view and considers the fact such conditions were not attached to the previous temporary permissions is an indication the landscaping has never been an issue for the Local Planning Authority.
19. Notwithstanding the above on a recent site visit I noted significant landscaped works had been undertaken to improve the visual appearance of the front garden of 26 Milton Road, although the arrangements for the storage of bins was still poor. A good quality fence has also been provided on the frontage. The Applicant has now submitted a revised plan to show a bin store area on the frontage which will be screened by an extended fence and wall. This will help screen the bins and ensure that they do not sprawl out onto the pavement. A site management plan has also been submitted to recognise management and responsibility of the bins on site. Whilst the standard landscaping maintenance plan is for 5 years I consider that the front fencing and normal domestic garden arrangements are acceptable.

Impact on Residential Amenity

20. Historically there have been some anti-social behaviour issues on site. When the application was given permanent consent in 2017 a condition was imposed to provide a management statement to help minimise nuisance which can be a common issue with premises such as this because of the transient nature of occupancy. The applicant has now submitted a management undertaking which deals with: -
 - Appointment of a managing agent
 - Garden: The grounds will be maintained in reasonable order throughout the year.
 - Bins/rubbish: Once the bins are emptied the Agents will arrange for them to be returned to the designated bin area.
 - Maintenance: The Agent will personally visit the Property and Tenants, (when necessary) every week to ensure that any maintenance required is carried out promptly. A large notice is displayed in the reception of 26 Milton Road with the Agent's 24/7 telephone number, plus emergency numbers, and the Noise Abatement number 0800 028 1870: allowing Tenants to call for assistance or report any maintenance requirements.
 - Noise and Disturbance: An external notice will be displayed by the front door of 26 Milton Road Reception with the Agents 24/7 telephone number, plus the Noise Abatement number 0800 028 1870 which will allow neighbours to report any issues regarding noise and disturbance. This would be in conjunction with Steve Day of Bournemouth Housing, the local Police and Community Enforcement. The Landlord will not tolerate anti-social behaviour by tenants and will invoke the terms of the lease by removing tenants that create undue nuisance to other tenants or neighbours. This Management Plan will be displayed in the reception area of 26 Milton Road.

- The Landlord will immediately review any situation when requested by the Agent.
- The occupancy shall be restricted to the HMO Licence issued by Bournemouth Council.
- Internal and external surveillance cameras will be installed and monitored by the Agent

- 21 I will add a condition to ensure compliance with these matters. The ability of local residents to have a contact number/person to report nuisance is important together with the undertaking of the applicant to deal with nuisance tenants. The proposal does not include an on-site warden however, this is common with many similar premises in the Borough. This may not fully address the concerns of local residents and because of the nature of the premises there may still be isolated incidents. However, I consider that the proposals are reasonable and on balance the harm is not considered to be sufficient to withhold consent.
- 21 Whilst historically the poor upkeep of the front garden area has not contributed positively to the street scene I do not consider this has had a detrimental impact on neighbouring residential amenity. The recent works to improve the appearance of the front garden are an improvement to the street scene. To my mind the landscaping of the premises is now acceptable and does not look particularly unkempt in the context of the area generally.

Summary

- 22 The site has been in use as an HMO for a considerable period of time now and there have been issues with the upkeep of the property and its amenity areas. However, I consider that the recent landscaping, fencing and more stringent management regime including bin storage as set out in the management plan will ensure that the premises does not cause unacceptable loss of amenity or detriment to the character and appearance of the conservation area.
- 23 This consent will now replace the original permission and the new conditions will ensure that the use is carried out as previously intended.

Planning Balance

- 24 The premises will continue to provide needed housing accommodation and subject to the revised management plan and conditions will not on balance be harmful. Although the applicant has sought relief from conditions I am re-imposing conditions to ensure that the site conditions remain acceptable.
- 25 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

- 26 **GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning and Building Control provided any alteration/addition does not go to the core of the decision:**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 574/01 as submitted with original consent, bin store enclosure plan submitted 12/5/2020.

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

2 Within 2 months of the date of this consent the measures and works set out in the "Management Plan for Milton Road" submitted as part of the application on the 12/5/20 shall be implemented in full. The management undertakings, works and terms shall also be retained and maintained in the future and any changes shall first be agreed in writing by the Council.

Reason: To help monitor and prevent nuisance and in accordance with Policies CS38, CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3 The bin store area and extended fencing/wall with return as submitted in the application and hereby approved shall match exactly the existing wall/fence and be constructed in accordance with the approved details within a period of 2 months of the date of this consent and shall be retained and maintained thereafter.

Reason: To preserve the visual amenities of the locality in accordance with Policy CS38 and 41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Background Documents:

Case File – ref 7-2018-6309-K

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