

PLANNING COMMITTEE



Application Address	53 Southcliffe Road Christchurch BH23 4EW
Proposal	<p>Demolish existing buildings and erect block of 10 apartments with basement parking.</p> <p>Variation of condition 2 (Approved Plans) of App. 8/16/1842/FUL for additional details/minor amendments. Reconfiguration of basement entrance element of building at both basement and ground floor level. Changes to ground floor plan of the building in vicinity of the ramp. Single storey projection on north east elevation between two approved masonry buttresses and beneath approved balcony. Insertion of further buttress features on ground floor</p> <p>Changes to window details including - Insertion of obscure glazed windows in western elevation, two new windows in north elevation, two roof lights in south elevation and flat roof skylights. Reduction of hardstanding in front entrance forecourt area. Small patio areas to some of the ground floor units</p>
Application Number	8/20/0682/CONDR
Applicant	Jackson Developments Ltd
Agent	Mr Ken Parke
Date Application Valid	18 August 2020
Decision Due Date	17 November 2020
Extension of Time Date (if applicable)	01 December 2020
Ward	Mundeford, Stanpit & West Highcliffe
Report status	Public
Meeting date	26 th November 2020
Recommendation	<p>Delegate to the Head of Planning to Grant, subject to:</p> <ul style="list-style-type: none">• the completion of a s106 agreement to secure mitigation of impact on the Dorset Heathlands, and• conditions as shown:

Reason for Referral to Planning Committee	More than 20 representations from different properties objecting to the proposal and the officer recommendation is for approval
Case Officer	Kevin Chilvers

Description of Development

1. Demolish existing buildings and erect block of 10 apartments with basement parking. Variation of condition 2 (Approved Plans) of App. 8/16/1842/FUL for additional details/minor amendments. Reconfiguration of basement entrance element of building at both basement and ground floor level. Changes to ground floor plan of the building in vicinity of the ramp. Single storey projection on north east elevation between two approved masonry buttresses and beneath approved balcony. Insertion of further buttress features on ground floor
2. Application is made under Section 73 to vary a condition (Condition 2 - the approved plans) of an existing consent granted in 2016. The proposed amendments are; Changes to window details including - Insertion of obscure glazed windows in western elevation, two new windows in north elevation, two roof lights in south elevation and flat roof skylights. Reduction of hardstanding in front entrance forecourt area. Small patio areas to some of the ground floor units
3. The proposal also includes the erection of an extractor vent (to serve the basement parking) located in front of the proposed building

Key Issues

4. The key issues are:
 - Principle of development
 - Impact on character and appearance of area
 - Impact on neighbouring properties
 - Highway safety, Parking and access arrangements
 - Biodiversity/Dorset Heathlands
 - Affordable Housing
 - Flood risk and cliff stability
5. Consideration in particular needs to be given to the extent to which the scheme differs from the previous consent for similar redevelopment and whether the current proposal results in any significant additional impact to the character of the area and residential amenities. The applicant has a fall-back position to implement the earlier consent.

6. As the proposal would result in additional residential accommodation the proposal also needs to demonstrate compliance with:
 - the Dorset Heathlands Planning Framework,
 - the Council's adopted Housing and Affordable Housing Supplementary Planning Document.

Planning Policies

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan 2014 and saved policies of the Borough of Christchurch Local Plan (2001).
8. The following Development Plan policies are of particular relevance in this case:

Christchurch and East Dorset Local Plan – Core Strategy (2014)

KS1 Presumption in favour of sustainable development

KS12 Parking Provision

KS4 Housing Provision in Christchurch and East Dorset

LN1 The Size and Type of New Dwellings

LN2 Design, Layout and Density of New Housing Development

LN3 Provision of Affordable Housing

ME1 Safeguarding biodiversity and geodiversity

ME2 Protection of the Dorset Heathlands

ME3 Sustainable development standards for new development

ME4 Renewable energy provision for residential and non-residential developments

Christchurch Borough Council Local Plan (2001) – saved policies.

H12 Residential Infill

ENV 1 Waste Facilities in New Development

ENV 5 Drainage and New Development

ENV 9 Development in the Coastal Zone

ENV 21 Landscaping in New Development

BE 5 Setting of Conservation Areas

BE 16 Views and Vistas

H16 Crime Prevention and Design

P5 Replacement for Loss of Car Parking

T16 Access for those with impaired mobility

9. Supplementary Planning Guidance:

The Christchurch Borough-wide Character Assessment (2003)

The application site is located within the Friars Cliff character area. Section 5.28 acknowledges the estate type development with a mix of house types in

an area of mature spacious character with open sea views. The Assessment states that the sea front properties on Avon Run Road stand out as some of the most individual designs. The houses, coastal setting and dominant tree line give the area a very strong sense of place.

10. Supplementary Planning Documents:

- Dorset Heathland Planning Framework 2020-2025
- Christchurch and East Dorset Councils Housing and Affordable Housing Supplementary Planning Document 2018

11. National Planning Policy Framework 2019 (NPPF)

The guidance contained in the NPPF is a material consideration. 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 or specific policies in the NPPF indicate development should be restricted.

12. Relevant NPPF sections include:

- Section 5 Delivering a sufficient supply of homes
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the natural environment

13. Para 117 stipulates that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

14. Para 122 requires decisions to take into account:

- the identified need for different types of housing;
- desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change; and
- the importance of securing well-designed, attractive and healthy places.

15. Para 123 advises LPA's to refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

16. Para 127 requires decisions to ensure that developments:

- will function well, and add to the overall quality of the area
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history

24. Although some respondents welcomed attempts to clarify proposed modifications “that were so unclear in previous application”, 47 Objections were received from 38 properties and the following concerns were raised:

25. Inadequate information:

- No height details on elevations.
- Roof plan shows a flat section incorporating 6 roof lights. No previous roof plan so unclear whether this flat roof is new if it is assume roof pitch and bulk of roof changed
- Facts misrepresented to or ignored by Committee on original application

26. Virtually the same as scheme recently refused by the Council

- Increase in size and volume of building that’s already too big for the plot
- Concern about piecemeal incremental enlargement of building on site

27. Impact on neighbours:

- Building (including buttresses) would have a dominant and overbearing appearance that would in combination with larger buttresses and darker materials dominate neighbouring properties and result in loss of amenity to neighbours
- Impact on outlook from neighbouring properties and use of balcony at no.51
- Concern about possibility of bin storage in space close to no.51
- Structural differences encroach on views from neighbouring properties
- Noise, smell from extractor unit, disturbance and loss of light

28. Loss of privacy:

Additional windows and changes to balcony screening will increase overlooking and loss of privacy to neighbours in particular to:

- 15 Rook Hill Rd from increase in glazed area of windows (should be obscure glazed) and balcony of unit 6
- 51 Southcliffe Rd (hall, stairs, landing, bathroom and balcony) from 2 additional windows including another oriel window, and reduction in size of balcony screen in unit 6
- 55 Southcliffe Rd from new windows and inadequate size of balcony screens
- Original condition preventing use of flat roof above unit 6 should be reiterated

29. Impact on visual amenity and character of area:

- Will intrude into much valued view of Christchurch Bay
- Additional buttresses and enlargement of approved buttresses increase the bulk and mass of the building
- Scale and siting of ventilation unit,

- Projection of front wall of units 2,3 and 4 beyond the building line along Southcliffe Rd increases footprint and prominence of development to detriment of street scene
- Overly large building for small corner site will have adverse over domineering impact on street scene
- Poor design, bulk and mass out of scale and out of character
- Harmful, discordant and detrimental to appearance and character of the area and amenities of neighbours
- Encroachment of paved areas at front

30. Inappropriate development:

- Proposed amendments are not insignificant and minor
- Would set a precedent
- No affordable housing

31. Bin store:

- Support for relocation of bin store to basement but bin storage area reduced in size compared to approved scheme and poor access to store for residents
- Inadequate details of waste/recycling arrangements
- Unclear what the area adjacent to the curved access ramp (i.e. space adjacent to no.51) will be used for – should not be used for bin storage
- Condition should be imposed to ensure that no other locations at ground level are used for bin storage

32. Highways:

- Changes to access and wall around external parking will impact on visibility and highway safety and increase danger for pedestrians.
- Highway safety implications of large building on bend in road
- Inadequate parking provision in basement (loss of one space) and unusable layout
- Concerns about limited emergency access to basement and ventilation room
- Absence of dedicated pedestrian access from basement

33. Landscaping:

- Loss of tree from front garden
- Absence of proposed landscaping scheme – details required to ensure improved screening/privacy to neighbours and future occupiers

34. Ventilation unit:

- Concern that visual prominence of and noise and fumes from ventilation equipment would have a detrimental impact on neighbours

Consultations

35. BCP Highways - Major Dev

Received 18/09/2020

The access drive radius is being increased, which will make it easier for drivers to enter/exit the basement car park area. The width of the access drive has narrowed, although the increased radius makes the access drive more efficient than the previously approved scheme.

Parking provision has reduced by one space to 19 spaces, although still meets the parking standards.

Therefore, Transport policy can support the proposals, subject to the same conditions (Conds. 2 – 5) as with planning permission 8/16/1842/FUL

36. BCP Lead Flood Authority

Received 17/09/20

Do not think the proposed modifications have any effect on the drainage.

Detailed queries raised with regard to liaison with Wessex Water, Size of attenuation tank, Health and Safety Management, position of drains and rising main. (Inf. 6).

37. Christchurch Town Council

None received

38. BCP Waste and Recycling

Received 1/10/2020

Communal Residential Capacity & Collection Requirements:

Residential Bin Sizes & Capacity:

Recycling 2 x 1280L

Rubbish 1 x 1100L 1 x 660L

Food Waste 2 x 140L

The containers are not within 10m of the highway and the bin store is not compliant with guidelines. The site does not qualify for BCP Council collection services and a Refuse Management Plan is required.

The application fails to meet the requirements of the WCA, however, with a RMP detailing private collection no objection is raised (Cond 11).

Submitted plans should clearly detail all the requirements listed in Communal Residential Capacity & Collection Requirements.

Submitted documents should contain / may need to a waste management plan (WMP) detailing the requirements listed in the WCA response.

39. Constraints

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Rights of Way
- Airport Safeguarding
- Coastal Area (Policy)
- Wessex Water Sewer Flooding

Planning Assessment

Site and Surroundings

40. The 0.12 ha application site is located on the inside of a bend on the western side of Southcliffe Road as it rounds towards Avon Run Road which runs alongside Friars Cliff Beach and looks out over Christchurch Bay. On the opposite side of the road there is a two/three storey block of 9 flats. The other properties in vicinity of the site comprise a mixture of predominantly two storey detached dwellings of various designs, height, width and depth.
41. At the time of the original consent the site was occupied by a large two storey, hipped roof building which was vacant but until December 2015 the building was in use as a nursing home. The nursing home had balconies to the southern and eastern elevations as well as bay windows. The two primary buildings had been extended and were also linked by a single storey red brick wing which created an L shaped built form on the site.
42. The nursing home had a tarmacked parking area (approx.12 spaces) in front of the building served by two vehicular access points. There was also a garden area to the south of the building and limited additional private amenity space to the rear of the building. The roadside edge to the site was marked by a low stone wall (part of which has been demolished) and the remaining boundaries around and within the site are marked by a mixture of fences and walls.
43. In July when the Planning Committee last considered an application on this site the nursing home was subject to ongoing demolition operations which have since finished. The cleared site is now enclosed by hoardings.
44. To the rear of the site there is a public footpath, on the other side of which a new dwelling has recently been erected following the demolition of no.15 Rook Hill Road (App. No. 8/15/0580).

Proposed development

45. The proposed revisions to the approved scheme are as follows: -
- The entrance ramp has been reconfigured for technical and construction reasons. The submitted plan 8652/900A shows the minor differences between the approved and the proposed ramp.
 - The reconfiguration of the entrance ramp has necessitated changes to the layout of parking and facilities in the basement, and to the ground floor plan

of the building in the vicinity of the ramp. This has resulted in changes of built form at ground floor level for some of the units. The upper floors remain as previously approved.

- Single storey projection on north east elevation to Southcliffe Road.
- The proposals insert 4 windows at ground floor level and 4 obscure glazed windows at first floor level in the western elevation.
- The proposals include the insertion of further buttress features on the ground floor.
- The site plan illustrates the reduction of hardstanding in the front entrance forecourt area and details of an Extractor vent located in front of the new building have also been provided
- Additional roof lights are indicated in the south facing roof slope and in the flat roof of the main building

The proposals show small patio areas to external areas to some of the ground floor units as annotated on the plan. These elements are considered to be landscaping details, and the application also specifies some changes to materials.

Key Issues:

Principle of development

46. As the site benefits from a previous permission (8/16/1842/FUL), the loss of the previous nursing home and its replacement by a residential development of 10 units has been accepted under current Local Plan policies. Since this time, the housing land supply position for this Local Plan area has worsened and following the publication of the Housing Delivery Test, the Council cannot currently demonstrate a five year land supply with a 20% buffer applied. Consequently the tilted balance in paragraph 11 of the National Planning Policy Framework applies to the scheme and there is a presumption in favour of approval unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Impact on character of area

47. Having regard to the above Government Guidance, adopted policies and the Character Assessment, and the recent consent for similar development, there is no objection in principle to new dwellings on the application site. Policy HE2 requires development to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact. The Christchurch Borough-wide Character Assessment shows the site falling within the Friars Cliff Character Area wherein it is acknowledged that the general mix of styles, density and mature character gives the area a pleasant sense of place.

48. The recently demolished care home building was of greater scale and footprint than most of the buildings in the area. There are flats in vicinity of the site and

given the varied characteristics of the built form in the area, there is no objection in principle to the additional residential development of this type in this area subject to consideration of the specific impacts on the area. The principle of the demolition and introduction of a flatted development on the site has been established by the extant permission; as have the number of units, the overall ridge height, relationship to the rear boundary, proposed materials, and basement parking provision. The proposed building follows the same alignment and general footprint as the original care home and recently approved buildings. Examination of the plans show limited differences in the overall scale and bulk of the building against the previous consent and ridge heights and pitches remain the same.

49. A recent refusal and dismissed appeal for enlargement/ alteration of the approved building was refused partly due to concerns with regard to the impact of the built form on the character of the area. The Inspector dismissed the appeal noting; *“Irrespective of the percentage increase, the proposed mass and bulk in combination with the deviation from the predominant building-line would cause the development to stand out as harmfully out of place”*.
50. During the assessment of the previous CONDR application the LPA acknowledged the Inspector’s conclusion that the appeal proposal would adversely affect the character and appearance of the area. It is therefore necessary to consider the extent to which the current proposal addresses concerns about impact on the character and appearance of the area and the applicant has provided a Comparison Plan (8652/903) to assist with this assessment. The plan clearly illustrates the differences in footprint between the approved, appeal and current proposal.
51. The amendments to the building arise for technical and construction reasons in order to provide a greater radius into the basement ramp simply to facilitate ease of access. This has necessitated reconfiguration of the basement entrance element of the building at both basement and ground floor level. That element of the building however is mostly recessed and not visible from outside of the site with the upper floors remaining unchanged. These changes in and around the top of the ramp are within the built envelope of the overall building and will not significantly alter the impact of the building in the street scene over the approved building.
52. The single storey projection on the north east elevation towards Southcliffe Road is between two approved masonry buttresses and beneath a balcony. From various views from the side and front this element will not be discernible as additional mass but rather as infilling. The movement of the ground floor elevation towards Southcliffe Road would basically infill the space beneath and between built projections and the applicant contends that this would not

therefore step forward of the existing front elevation presentation of the approved building.

53. The Committee report on the recently refused CONDR application raised concerns over the potential encroachment towards Southcliffe Road in a prominent location and reducing the available space for landscaping. The previous report acknowledged that the proposed building would retain the approved separation of built form from the neighbouring properties. However, the report advised that “the additional bulk and mass of the building associated with its increased depth, modified design features and darker material palette, and revised balconies increase the visual prominence of the building in the street scene to the detriment of the character and appearance of the area”.
54. In the submission supporting the current application, the applicants have provided additional information and sought to clarify details of the proposed revisions to the approved scheme. The site plan illustrates the reduction of hardstanding in the front entrance forecourt area, and the plans illustrate how the insertion of further buttress features on the ground floor do not add to the overall mass of the building. The features also provide privacy between the ground floor sitting out areas and are similar features to the balcony screens on the upper floors.
55. The submission explains that the addition of the single storey element is to compensate for the loss of floor space required to facilitate the reconfiguration of the ramp. Overall, this unit will remain of similar size to the approved unit. The additional information accompanying the current application helps to clarify the extent to which the ground floor encroachment would be perceived in the context of the over sailing balcony and enclosing buttresses.
56. The current proposals are an improvement on the scheme dismissed in 2017 (para. 21 above). It is noted that the Inspector back in 2017 did not consider the proposals in light of the current housing land supply. This is a finely balanced assessment but officers have concluded that on balance (when compared to the approved scheme) this additional ground floor encroachment towards Southcliffe Road would not significantly alter the perception of the building’s relationship to Southcliffe Road. Bearing in mind the similarities to the applicant’s fallback position, any additional impacts do not significantly and demonstrably outweigh the benefits of the proposals in redeveloping this now vacant brownfield site.

Impact on neighbouring properties

57. Policy HE2 of the Local Plan states that development will be permitted if it is compatible with or improves its surroundings in its relationship to nearby properties including minimising general disturbance to amenity.
58. App. No. 8/17/0184 was refused by the Local Planning Authority on account of a loss of privacy to neighbouring properties. However, whilst the appeal was dismissed, the Inspector did not uphold this reason for refusal, concluding that

the impact to neighbouring living conditions was acceptable; *“All things considered, I do not consider that the proposed development would have a harmful impact on the living conditions of adjacent occupiers, with specific regard to loss of privacy as a result of overlooking. The proposal would therefore accord with Policy HE2 of the CS and Saved Policy H12 of the Local Plan.”*

56. The existing building is aligned close to the rear boundary, reflecting the original footprint of the former building and as a result has an unusual physical relationship to no.55 which would continue to be evident from the road and the public footpath to the rear of the site. The current proposal removes the access stairs to the basement and also sets back further part of the rearward projecting element from the shared boundary with no.55.
57. The scheme proposes 9 additional openings on the south-west and south-east elevations closest to No.55 and the occupier has raised concerns with regard to increased overlooking and loss of privacy from the window changes. As noted by the appeal Inspector, the 4 additional ground floor windows would be screened by intervening boundary treatments and would have an acceptable impact. Of the additional 1st floor windows to the SW elevation, two serve a lobby, one a stairwell and one an en-suite. All are shown as obscure glazed. These would not therefore result in a substantial loss of privacy to No.55 and (as with the Officer report for the previous CONDR application) it is concluded that there is no issue with additional obscure glazed windows in the western elevation because they would not affect privacy.
58. The additional window to the SE elevation is a secondary bedroom window. The distance from this window to the rear of No.55 is approximately 19m and this is considered acceptable.
59. Three additional windows are proposed to the NE elevation. These look out across Southcliffe Road and are considered acceptable. Two new windows are proposed to the NW elevation, one each at ground & 1st floor. The 1st floor opening is an oriel window serving a bedroom. Its outlook is towards the side elevation of No.51 which has a bedroom window and a balcony partly to the front and side. Nonetheless, it is noted it was considered acceptable in the approved scheme to have a similar oriel window on this elevation closer to No.51's balcony and this additional window is considered to have an acceptable impact to this property. The bulk of the building closest to No.51 is similar although part of the ground floor flat nearest to this neighbour has been enlarged at the expense of the drive to the underground parking, the proposal does however include a reduction in height of the two storey flat roofed element compared to the approved plan. The Care Home had a 2-storey structure in this position and the alteration to the built form of the current proposal in this location compared to the originally approved plan is not considered to result in any significant additional impact on no.51.

60. Additional roof lights are indicated in the south facing roof slope and in the flat roof of the main building, these windows would not significantly impact on the appearance of the building or on the privacy of adjacent properties.
61. The remaining openings and balconies form part of the approved scheme and remain acceptable, however, it is considered that the balcony side panels should not be reduced in height and a condition (13) to ensure they are installed and maintained at the originally approved height should ensure that the current proposal does not result in a diminution of privacy to the neighbours compared to the approved scheme.
62. The proposed alterations do not make significant changes to the layout or size of the flats from the approved scheme.
63. The scheme is considered to comply with the test in Policy HE2 to be compatible in its relationship to nearby properties including minimising general disturbance to amenity.

Parking and access arrangements

64. Policy KS12 of the Core Strategy requires adequate vehicle and cycle parking provision to serve the needs of the development. The Highways Officer does not raise any objection. The layout provides adequate parking for the flats and provides for 2 visitor spaces at ground level in front of the building adjacent to the proposed vehicular access. Subject to a condition to ensure that disabled compliant spaces are provided it is therefore considered that the scheme complies with Policy KS12 and the currently adopted parking guidelines.
65. Policy ENV1 of the Local Plan requires adequate bin storage be provided. Details of the proposed bin storage in the basement have been submitted and condition (no.6) on the original consent requires a refuse management plan (RMP). This condition is attached to the recommendation as condition no.11. Provided this RMP details private collection, the Council's Waste collection officer raises no objection to the current application. The proposal would comply with the requirements of policy ENV1 and criteria (ii) of Policy H12. The Council's Waste collection officer has provided specific advice with regard to waste collection requirements and this advice is referenced in the proposed informatives.

Biodiversity/Landscaping/Dorset Heathlands

66. Criteria (iii) of policy H12 states that proposals "will be permitted provided that they do not result in the loss of an important landscape or other environmental feature, such as open space or trees, which is part of the character of the area." The proposal would not result in the loss of any significant amenity

trees and the proposed building would not significantly encroach further into the open space in front of the building.

67. The site plan illustrates the reduction of hardstanding in the front entrance forecourt area and shows small patio areas to external areas to some of the ground floor units as annotated on the plan. These hard landscaping elements do not significantly reduce the opportunity to accommodate landscaping which could have a positive impact on the biodiversity balance on the site. The physical proximity to the rear boundary provides limited opportunity for landscaping at the rear of the proposed building.
68. A biodiversity mitigation plan has been agreed in regard to the original consent (condition 10) and the requirements of the BMP is therefore conditioned (7) in the recommendation below.
69. The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
70. The appropriate assessment has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents. When there is a completed legal agreement the proposal will be wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents: Dorset Heathlands Planning Framework SPD.
71. The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
72. The completed Unilateral Undertaking submitted with the original application addressed the requirement to mitigate the impact of the development in regard to the Dorset Heathland. A further Undertaking has not been submitted to accompany the current application although the applicant confirmed in connection with the previous CONDR application that they are willing to enter into such an agreement.

73. Although the consented development has commenced (in that the original building has been demolished and minor access works have been carried out) contributions in connection with the approved development have not been secured. The approval recommendation below is therefore conditional on securing a financial contribution to mitigate the impacts of the amended scheme on protected heathlands.

Affordable Housing

74. The scheme is above the 1000sqm threshold for affordable housing requirement and policy LN3 on affordable housing requirement applies subject to viability assessment. The LPA accepted on the consented scheme that the scheme was not sufficiently viable to fund affordable housing. Whilst this may well still be the case that determination was made in December 2016. Given the time lapse since the original consent the decision on the previous CONDR application included a refusal reason (no.2) stating that the proposal was contrary to Policy LN3 of the Christchurch and East Dorset Core Strategy. The refusal reason referred to the applicant's failure to demonstrate that the scheme cannot provide a policy-compliant affordable housing contribution on financial viability grounds.

75. In the current submission the agent refers to this refusal reason and expresses the view that the Section 73 application procedure need only consider the conditions the subject of the application. Having regard to the change in floor area the agent contends that the amount of floor space increase is similar to the amount lost as part of the overall reconfiguration of the ramp. Nonetheless the applicant has submitted a brief statement on the viability position from the expert who completed the initial viability analysis.

74. The brief statement on Affordable Housing Viability clarifies that there is not any financial surplus to fund affordable housing and consequently this does not constitute a reason for refusal of the current application.

Flood risk and cliff stability

75. The application site falls outside of the flood risk area and it is considered that clarification of outstanding drainage matters can be resolved by condition.

Summary

76. The proposed development would alter the bulk and mass of built form when compared to the previously approved proposal. However, the additional projection forward of the building line at ground floor level indicated in the current proposal would be framed by the balcony above and buttresses to the site such that it would not have a significantly greater prominence and impact in the street scene when compared to the originally approved scheme.

8652/902 Rev A	Elevations
8652/903	Comparison Plan
8652/901 Rev B	Floor Plans & Street Scene

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

2. Prior to occupation of the development, the first 5.00 metres of the access crossing, measured from the nearside edge of the carriageway, shall be laid out and constructed to a specification previously submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

3. Prior to the access being brought into use for the purposes of the approved development, the visibility splay areas as shown on Drawing No. 8652/900A shall be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free of all obstructions.

Reason: In the interests of road safety.

4. The development hereby permitted shall not be occupied or brought into use until the areas shown on Drawings No's 8652/901 rev B and 8652/900 for the manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of road safety.

5. The development hereby permitted shall not be occupied or utilised until the cycle parking facilities shown on Drawing No. 8652/901 rev B have been constructed. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of road safety.

6. Details of a drainage scheme for the development is to be submitted to and approved in writing by the LPA within 1 month of the date of this permission. The development shall be carried out in accordance with the approved details and made available in all respects prior to the first occupation of the development and thereafter retained.

Reason: Details as currently submitted do not provide sufficient information/clarity with regard to the appropriateness of the drainage arrangements for the site.

7. The development shall be carried out in accordance with the Biodiversity Mitigation Plan approved under App. No. 8/16/1842/FUL and this shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard and enhance the ecological value of the site.

8. Details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required to ensure satisfactory visual relationship of the new development to the existing to accord with Policies H11 and HE2 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

9. No construction work shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall include Structural Engineers submissions to demonstrate what measures are proposed to ensure that the construction does not prejudice the stability of the adjacent cliff, and the Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Statement shall be adhered to throughout the construction period

Reason: This information is required prior to commencement to safeguard the amenity of the locality in accordance with Policy ENV1 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

10. Screening in the form of either 1.8 metres high close boarded fence or a 0.6 metres high wall (of materials to be agreed with the Local Planning Authority) surmounted by a 1.2 metres high close boarded fence shall be erected concurrently with the development along the side and rear boundaries of the application site. The new dwellings hereby permitted shall not be occupied until the screening has been erected and such screen shall be subsequently retained.

Reason: This boundary treatment is required prior to occupation of the development hereby approved in order to provide privacy and to accord with Policies H12 and HE2 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

11. The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future; and that bins will not be stored in the open. The refuse management plan

shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy ENV1 of the Christchurch and East Dorset joint Core Strategy adopted 2014.

12. There shall be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: In the interests of road safety.

13. Obscure glazed balcony screening to a minimum height of 1.8m shall be erected at both ends of the balcony to flat 6 prior to occupation of the flat. The screens shall thereafter be retained.

Reason: In order to protect the privacy of adjacent properties in accordance with Policies H12 and HE2 of the Christchurch and East Dorset Core Strategy adopted 2014.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, the flat roof areas at 3rd floor hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of the privacy of adjacent properties.

Informatives:

1. In so far as details were required the pre-commencement conditions (3, 4, 7 & 10) on the original consent 8/16/1842/FUL were discharged in June 2020.
2. The applicant is referred to section 4.2 in the Council's Waste and Recycling Services Planning Guidance document available here <https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/PlanningPolicyFiles/SPD-SPG-PGN/waste-and-recycling-services-planning-guidance-note-v10-bcp.pdf>
3. The applicant is advised that notwithstanding this consent Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Before commencement of any works on the public highway, BCP Council's Highways Team should be consulted to agree on the detailed specification. To request a quote email streetworks@poole.gov.uk.
4. The modification of the existing vehicle access necessitates the re-siting of a lamp column on the public highway. The applicant must contact the street lighting team to initiate the procedure.

5. The Council, under section 46 of the Environmental Protection Act 1990, can specify the type of bin provided for waste collections, where bins are to be placed for emptying, the items that may or may not be put into bins and the steps to be taken by occupiers to assist the collection of waste. The EPA s46 (4e-g) state that collection arrangements (including the time when receptacles must be placed for collection and subsequently removed) can be set by the Council. With regard these collection arrangements, the Council's website provides clear instructions of when and where bins need to be put out for collection and returned your property,
(<https://www.bournemouth.gov.uk/binsrecycling/BinCollections/HouseholdRecyclingCollections-BigBin/HouseholdRecyclingCollectionsBigBin.aspx>)
6. Regarding bin placement on the highway, the Highways Act 1980 section 130 imposes a duty on the Highway's Authority to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by s.130 (3) which states that the Highway Authority have a duty to prevent, as far as possible, the obstruction of the highway.
7. The sewer from No 55 becomes a public sewer under the land of No 53 even though it is not shown on the current public sewer records (this occurred because of the private sewers transfer regulations of 2011). The developer will have to agree any diversion with Wessex Water. The capacity of the attenuation tank(s) shall be confirmed once the water discharge rate has been agreed with Wessex Water.

Background Papers